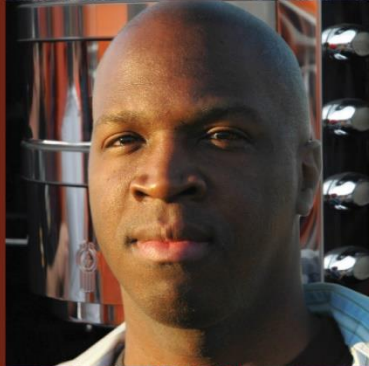
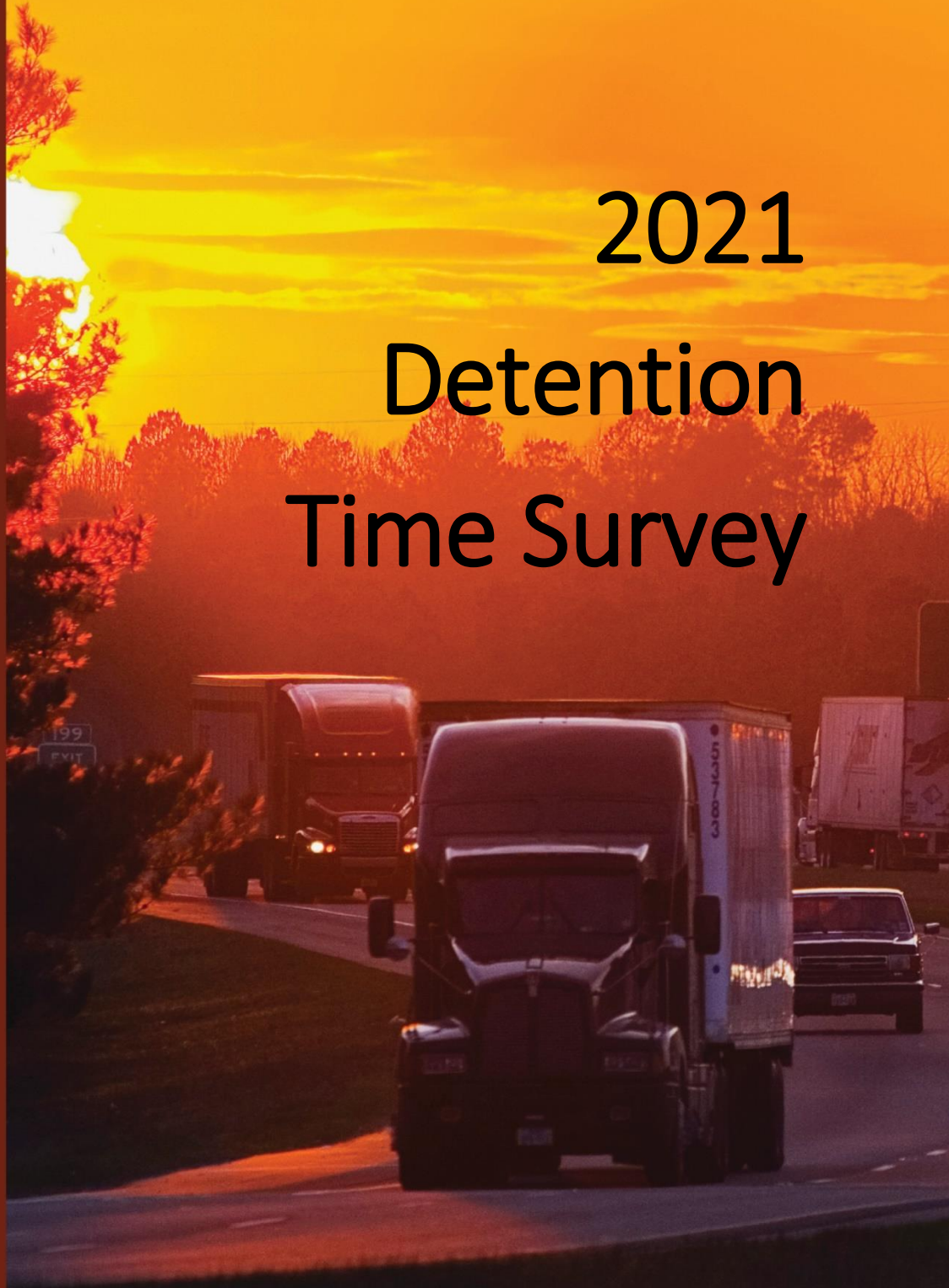


Owner-Operator Independent Drivers Association Foundation
A subsidiary of Owner-Operator Independent Drivers Association Inc.



2021 Detention Time Survey



1/14/21

2021 Detention Time Survey

January 2021



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Introduction

In response to Section 5501 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), entitled "Delays in Goods Movement," the DOT Office of Inspector General (OIG) published a report on January 31, 2018 concerning the effects of driver detention on the economy, the efficiency of the transportation system, motor carrier safety, and the livelihood of truck drivers. The OIG found that a 15-minute increase in the average dwell time, meaning the total time a truck spent at a facility, increases the average expected crash rate by 6.2 percent, resulting in an additional 6,509 crashes per year.¹ Moreover, every 5-percentage point increase in the number of stops experiencing detention, defined in the report as the time spent at a facility in excess of 2-hours, increased the crash risk by 4.7 percent.

In terms of revenue impacts, the OIG concluded detention time costs for-hire truck drivers \$1.1 to \$1.3 billion a year, reducing the annual earnings per driver between \$1,281 and \$1,534 per year—a reduction between 3.0 and 3.6 percent. In comparison, motor carriers lose approximately \$250.6 million to \$302.9 million in net income every year, equating a total net loss of \$1.35 to \$1.60 billion for the trucking industry overall.

Section 5501 also directed the Federal Motor Carrier Safety Administration (FMCSA) to issue regulations concerning the data collection on delays experienced by truck drivers before loading and unloading their truck. Though FMCSA plans to collect relevant data through a reporting form on its website that will allow drivers and carriers to submit data on detention voluntarily, the Agency has no plans to verify the data nor to conduct a detailed analysis. According to an FMCSA official, "the costs of rigorous data collection and analysis would likely outweigh the benefit and the Agency primarily views detention as a market efficiency problem best addressed by private industry rather than through government action."² To date, FMCSA has no such website which allows for the collection of detention data.

The Owner-Operator Independent Drivers Association (OOIDA), the largest non-profit trade association representing the interests of more than 150,000 owner-operators and professional drivers, disagrees with the Agency's statement. OOIDA has long held that detention time is not only a financial burden on small business owners and professional truck drivers, but it also creates a negative impact on safety, as detention time can place strain on a driver's hours-of-service (HOS) limits or pressure a driver to continue to operate even when they feel it is safer to stop. OOIDA agrees with OIG's conclusions and believes that a 6.2 percent increase in crashes is a significant safety concern, which means that the issue of detention time is more than a "market efficiency problem" and that it falls directly under FMCSA's domain.

To demonstrate the harmful effects of detention, as well as to verify the conclusions from the OIG report, the OOIDA Foundation (OOFI), whose mission statement is to fight for the rights of all truck drivers through research and education, continues to reach out to OOIDA members in order to gather valuable information concerning detention.

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).

² *Ibid.*, pg. 4

The following *Detention Time Study Survey* is especially important, as it directly captures information from the perspective of the small business owner and professional employee driver. Moreover, the study includes questions concerning how owner-operators and drivers define the issue of detention, as well as their professional opinions concerning what they believe would be the best way to measure or track detention and what would be the best way to solve the issue. The survey also seeks information regarding inefficiencies at our nation's ports in order to capture how detention also impacts the supply chain overall, thereby effecting our members and their bottom line.

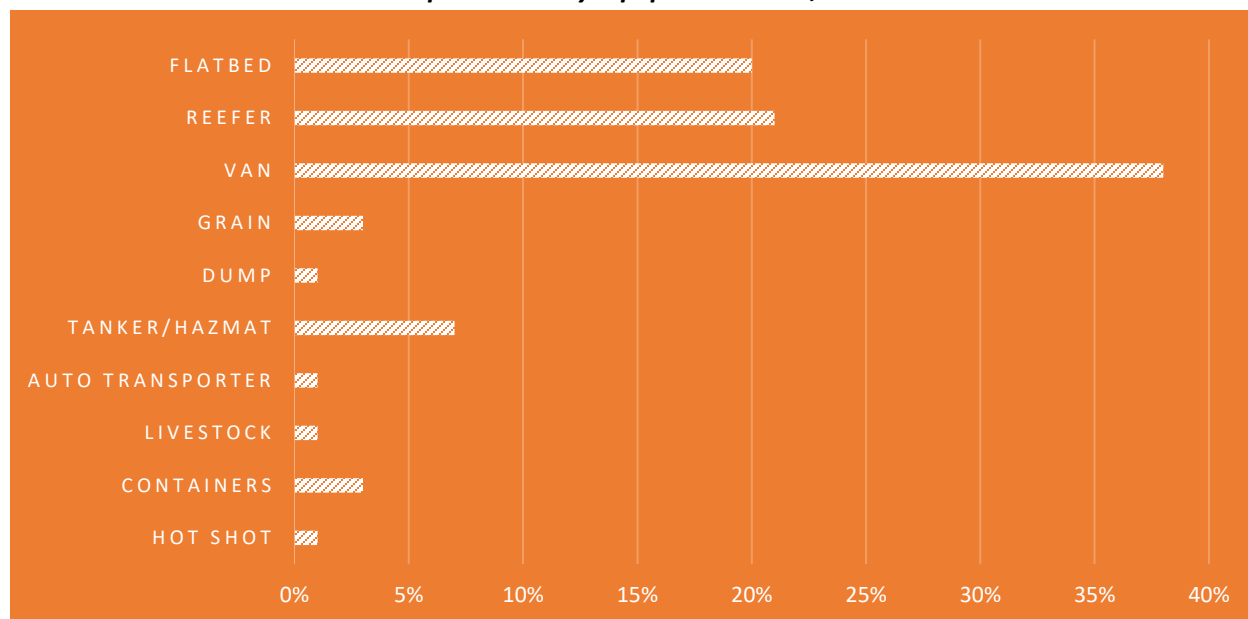
Analysis of the Detention Time Survey

Detention time, or in particular the period of time that a driver is not paid while he or she waits to be loaded or unloaded, is an issue of primary concern for the trucking industry and one that must be addressed. In response to the OOFI's online survey, more than eight hundred respondents expressed their professional opinions and experience with detention, many of whom feel that detention time not only impacts their financial livelihood but that it also negatively impacts safety on the roadways.

A majority of the 840 respondents described their type of operation as an owner-operator under their own authority (41%) followed by those who lease their truck onto a carrier (38%) and those who listed themselves as company drivers (12%). Interestingly, this is the first time in the history of the survey that more respondents identified themselves as being under their own authority than those who were leased-on. This is most likely due to the current conditions in the freight market, which is presently experiencing high volumes of demand amid an environment where trucking capacity is scarce, and or poorly utilized partly due to inefficiencies throughout the supply chain. For more information on this, please review OOFI's *2021 Freight Rate Survey*.

Participants were predominately truckload carriers who traveled in the North Central, South Central, and Southeast regions of the United States, hauling primarily a van trailer, a flatbed trailer, or a refrigerated trailer, also called a reefer. These statistics align closely with other OOFI surveys. A small percentage of members also indicated that they serviced the ports, at least to some degree, within the past 12-months (20%). Most of those who do so, operate in the southeast and service the ports every few months (58%) opposed to those who do so multiple times in a single week (20%). The five most serviced ports are Savannah, Houston, Baltimore, Wilmington, and Long Beach, respectively. Those who do not service the ports stated that they choose not too because there are too many headaches involved, including detention, downtime, and regulations, for little pay.

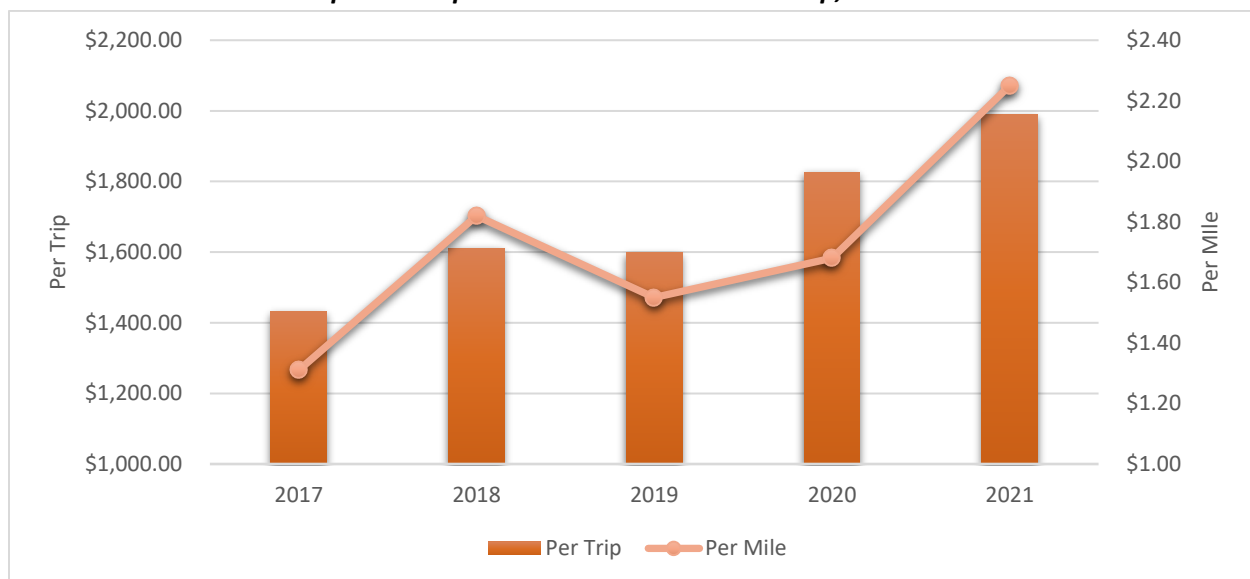
Graph 1: Primary Equipment Pulled, 2021



It is quickly evident when studying the issue of detention time that there are two areas of particular concern which exacerbate the problem. The first is the method of compensation, as very few drivers receive pay for all the hours they work. While the Fair Labor Standards Act (FLSA) requires employers to pay covered non-exempt employees at least the federal minimum wage for all hours worked during the workweek and overtime pay for all hours worked over 40 in a workweek, truck drivers are exempt from the FLSA under Section 13(b)(1). In other words, truckers are not entitled to overtime pay if they operate a vehicle over 10,000 pounds. A majority of OOIDA members (80%) are in favor of removing the exemption, especially company drivers (93%), and 57 percent believe this will help address the detention time issue. However, fleet owner members expressed the opposite, as 50 percent were not in favor of lifting the exemption and only 43 percent felt it would help to address detention.

Consistent with other OOFI surveys, the industry continues to receive compensation primarily on a per mile or per trip basis. However, the primary method of compensation varies greatly depending on the type of operation with owner-operators under their own authority receiving compensation per trip, leased-on owner-operators receiving payment based on a percentage of the load, and company drivers receiving pay per mile. The average compensation overall for those who receive payment per mile, per trip, or based on a percentage was \$2.25 per mile, \$2,000 per trip, and 72 percent of the load, respectively. The amount of compensation per mile and per trip both increased in comparison to last year's survey, which coincides with OOFI's *Freight Rate Survey*. In particular, per mile pay increased 34 percent from \$1.68 to \$2.25, while per trip pay increased 9 percent from \$1,826 to \$1,989.

Graph 2: Compensation Per Mile and Per Trip, 2017-2021

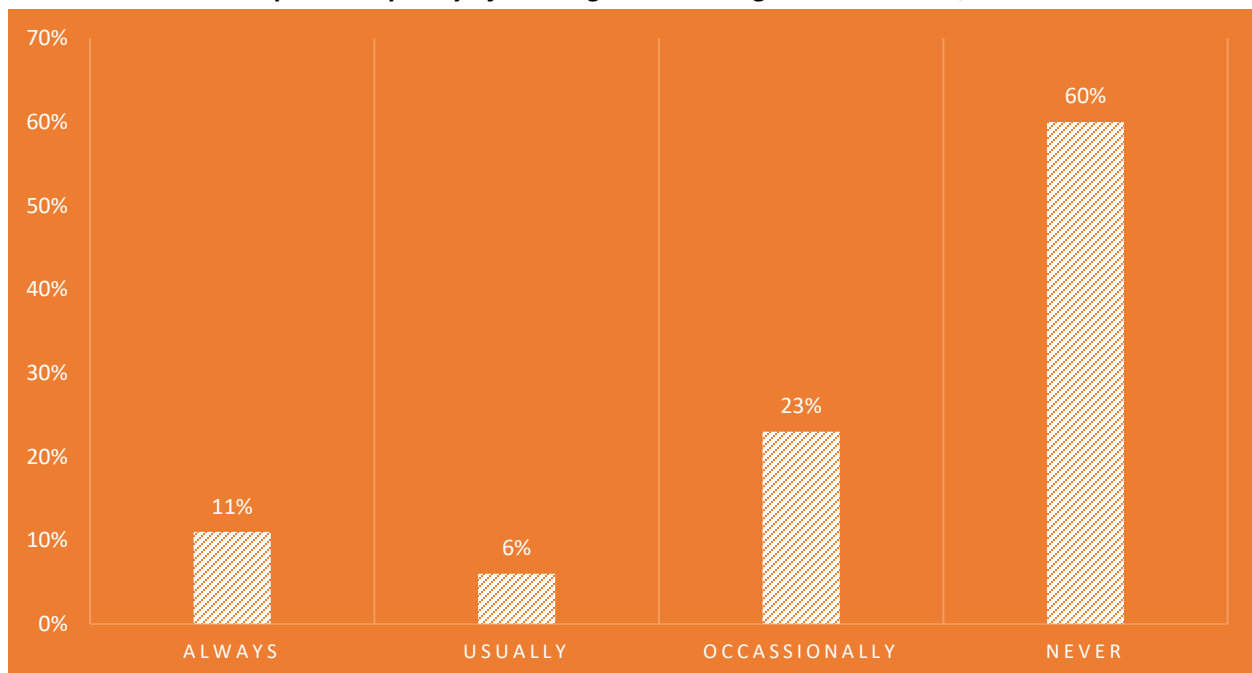


The second area of concern focuses on the HOS regulations, which determines the maximum number of hours that a driver is able to drive and work in a given period. Depending on a motor carrier's type of operation, a driver may operate up to either 60 hours in seven days or 70 hours in eight days. This rule, called the 60/70-hour rule, is not based on a set calendar week but on a "floating" seven- or eight-day period. If a carrier operates each day of the week, which most owner-operators do, then the 70 hour/8-

day rule applies to them, meaning a driver is not allowed to *drive* more than 70 hours in any eight consecutive day period until he or she has dropped below the 70 hour/8-day limit.

Thus, every moment a shipper, receiver, or port terminal holds a driver up at a dock, waiting to load or unload, can wreak havoc on his or her HOS. This is exacerbated by the fact that there is very little value placed upon a driver's time, which only serves to push truckers to operate longer, faster, and harder in order to make up the difference due to missed compensation. While the newest set of HOS regulations which went into effect in September 2020 has helped provide increased flexibility, it is critical to recognize that detention time is more than just a market efficiency problem; it is a significant safety concern.

Graph 3: Frequency of Loading or Unloading their own truck, 2021



According to the survey results, 87 percent of respondents indicated that they comply with the 70 hour/8-day rule while the remaining 13 percent operate under the 60 hour/7-day rule. A majority of those under both the 60-hour rule and the 70-hour rule spend between 6 and 10 hours each week waiting to have their truck loaded, and another 6 to 10 hours waiting to have their truck unloaded as shown in **Table 1**.

In other words, those members who are complying with the 60-hour rule spend an equivalent of 20 to 33 percent of their possible compensated drive time in detention, while those under the 70-hour rule spend approximately 17 to 29 percent of their possible drive time in detention. The situation is equally as serious at the ports as 60 percent of those members who service the ports stated that the level of congestion has increased over the past two years compared to pre-pandemic levels. On average, these members indicated that they are detained up more often today than what they were before the pandemic. These types of situations can ultimately create the incentive for drivers to operate longer and push harder, such as foregoing rest breaks or pausing when they are tired, in order to make up for lost compensation and reach their desired destinations. It can also force drivers to park in unsafe and or unsecure locations if they run out of hours.

Table 1: Hours per week waiting to load and unload by HOS Rule, 2020

Hours	Waiting to Load		Waiting to Unload	
	60-hour rule	70-hour rule	60-hour rule	70-hour rule
0 to 2 hours	23%	19%	26%	20%
3 to 5 hours	24%	26%	23%	24%
6 to 10 hours	30%	33%	33%	30%
11 to 20 hours	17%	18%	13%	19%
21 to 30 hours	6%	3%	5%	6%
31+ hours	0%	2%	0%	1%

The trucking industry has traditionally defined detention as any time spent waiting to load or unload in excess of two hours, thereby 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. Although members indicated that shippers and receivers utilize this customary definition in general, they presented additional definitions for detention time, which included anything in excess of half an hour to an hour, and all time spent at a pick-up or delivery location, including when their truck first enters the yard. Moreover, some members described detention in general as lost revenue or stolen time stating, “once that truckload has safely arrived at the receiver I believe that the delivery/trip has been completed and now my time is no longer being compensated for.”

Several members commented that while they are often penalized by a shipper or receiver if they are late for their pick-up or delivery time, shippers and receivers ought to be held accountable for breaking appointment times. One member wrote, “Truck trailers should not be ‘free storage’ for shippers and receivers.” “If they [shippers and receivers] can’t load us during our appointment time, or we lose the next delivery or pick up because of detention, they should have to accommodate us for that.” “They [the receivers] could care less that they cost you a \$4,000+ load and you had to get a \$2,400 load because you couldn’t get unloaded in time.” Another member stated, “If a driver is not getting unloaded at his or her appointment time, detention should start right then.”

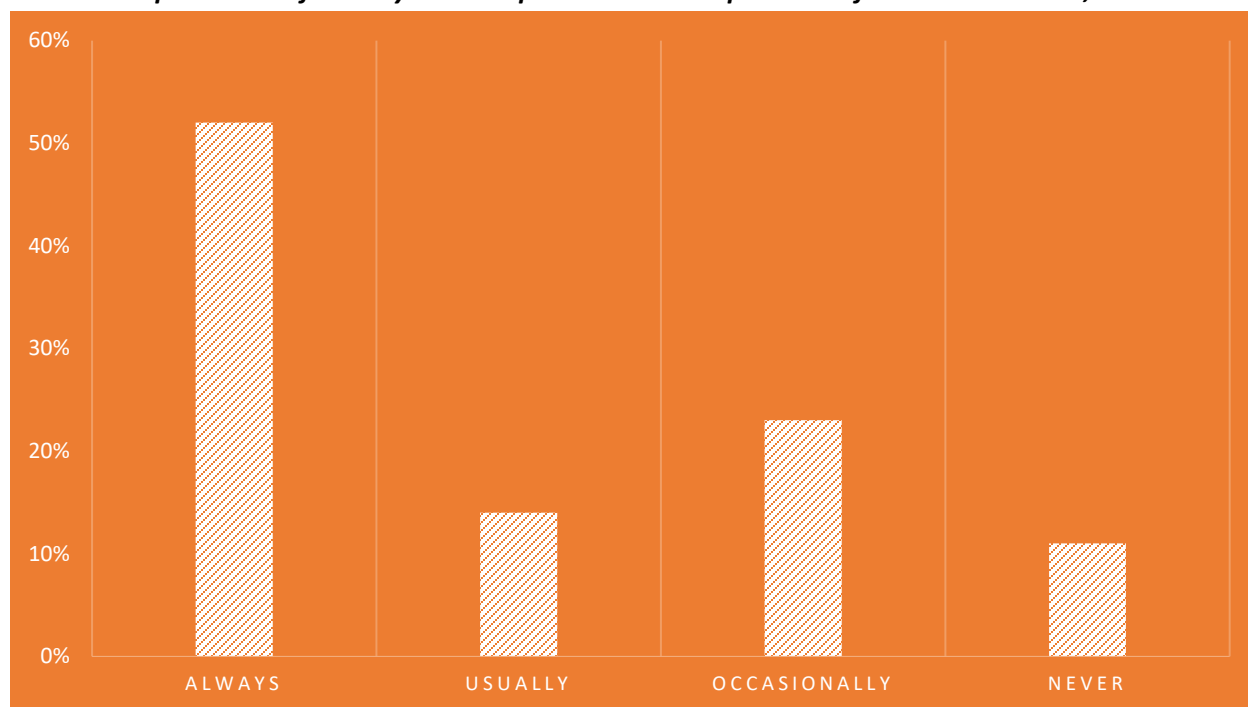
However, members also understood that certain commodities might take longer to load or unload than others. One member defined detention as, “Any time over a period generally deemed adequate to load or unload in a given situation or setting. Dry box, as I pull, should never exceed two hours barring complications.” Another explained, “If I have a load of 18 pallets, the following would be normal for me: signing in, backing into the dock, getting dock plate in, unloading at a rate of approximately 3-minutes per pallet, sign out. This should take about an hour. If they take longer than this, I should be paid at least \$85 per hour in quarter hour increments.”

Many members stated that it is reasonable to assume some delay in getting loaded or unloaded, but they also mentioned that no one goes to work for free. One member commented, “The time that I am at a shipper or receiver is time that I am on the clock. I don’t think that I should have to give free time to get loaded or unloaded. It makes as much sense as people working in an office to go to work and work for two hours before they clock in and start getting paid for the day. Nobody wants to work for eight hours

and get paid for six. But as a driver and owner-operator, I have to.” Another member wrote, “No other job in the world would expect anyone to work for free.” The vast majority of participants (84%) want to eliminate the traditional definition of detention, especially those who are compensated per mile (87%).

According to the survey results, 52 percent of the respondents indicated that they always attempt to receive compensation for detention compared to 47 percent in 2020, representing a 5 percentage point increase. The remaining 48 percent vary between usually, occasionally, and never attempting to receive detention time pay. The percentage of those who never attempt to receive compensation has steadily grown from 7 percent in 2018 to 11 percent in 2021. The two biggest reasons why members do not make the attempt is either due to the belief that they will not receive it anyway (48%), or because they do not have much waiting time (20%).

Graph 4: How often do you attempt to receive compensation for Detention Time, 2021



Several members commented that if they experience unreasonable detention time at a shipper or receiver, they refuse to haul loads to their facilities again. Overall, 13 percent of members stated that they do not collect any detention time pay, which is a 41 percent decrease since 2017, and only 7 percent of those who always attempt to receive compensation for detention do not receive it at all. Perhaps indicating a change in practice regarding detention time pay, meaning that shippers and brokers might be more willing to pay detention now than in years past..

For those who do receive detention pay, owner-operators under their own authority and fleet owners collect it primarily through brokers (74% and 65% respectively), while company drivers and those leased-on collect it through the carrier (64% and 63% respectively). Only 7 percent negotiate it into their overall rate. Owner-operators under their own authority collect about \$47 an hour on average, while leased-on owner-operators and company drivers receive \$50 and \$28, respectively. These wages however are far

from the hourly rate that members consider to be fair, which is approximately \$90 for owner-operators and \$70 for company drivers.

When it comes to compensation per mile, those who always attempt to collect detention time pay not only believe that they should receive more compensation for detention time, but they actually collect more detention pay on average than their counterparts and earn more per mile in general as well. For example, those who always attempt to collect detention earn \$2.28 per mile, while those who never make an attempt earn \$2.22 per mile. This gap is even more pronounced when examining compensation per trip, with those who always attempt to collect detention pay earning \$1,975 and those who never make the attempt earning \$1,700. The reasoning behind this might be that those members who always attempt to collect detention also negotiate their freight rates more aggressively, thus earning more compensation overall.

Table 2: How do you Collect Detention Pay by Type of Operation, 2021

Method of Collection	OA	LO	CD	FO	OV
Through the motor carrier directly	6%	64%	63%	6%	30%
Through the broker	74%	30%	20%	65%	41%
Through the shipper	16%	5%	4%	42%	9%
I negotiate it into my rate	12%	5%	4%	10%	7%
I do not receive detention pay	14%	13%	23%	10%	13%

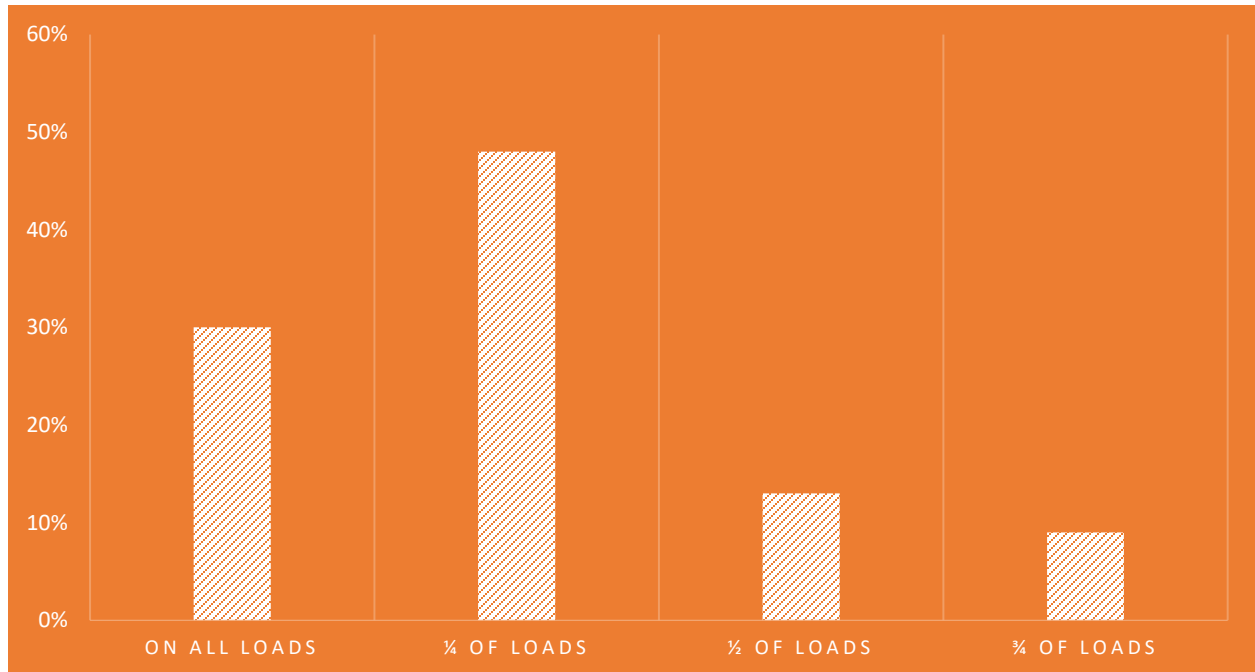
It is important to note however that even those who receive detention time pay do not always receive it on all loads, nor do they receive pay for all the time they spend waiting to load or unload at a facility. Moreover, even though a majority of members receive some level of compensation for detention time, this is often not enough to make up for missed opportunities. Overall, 50 percent of respondents stated that they lose one to two loads per week because of detention, while another 13 percent lose 3 or more loads. For those who receive compensation per trip, this could equal \$104,000 (\$2,000 average pay per trip × 1 load × 52 weeks) to \$208,000 (\$2,000 average pay per trip × 2 loads × 52 weeks) per year, or \$8,600 to \$17,300 per month.

According to the National Highway Traffic Safety Administration (NHTSA), the average travel speed for heavy trucks on roads with varying posted speed limits from 55 mph to 75 mph is between 62 mph and 69 mph.³ However, it is very difficult for over-the-road truckers to average more than 45 mph due to traffic congestion around and in metropolitan areas. Thus, for those who receive compensation per mile, a driver could potentially lose \$101.25 per hour waiting to load or unload their truck (45 mph × 1 hour = 45 miles × \$2.25 per mile). Hence, those who spend approximately 12 to 20 hours a week in detention are effectively losing the possibility to earn \$1,215 to \$2,025 per week or \$63,180 to \$105,300 a year. In some cases, truckers stated that unpaid detention accounted for 10 percent of their total income. “Detention time is crucial to my operation. The time to load or offload affects me considerably. I am a

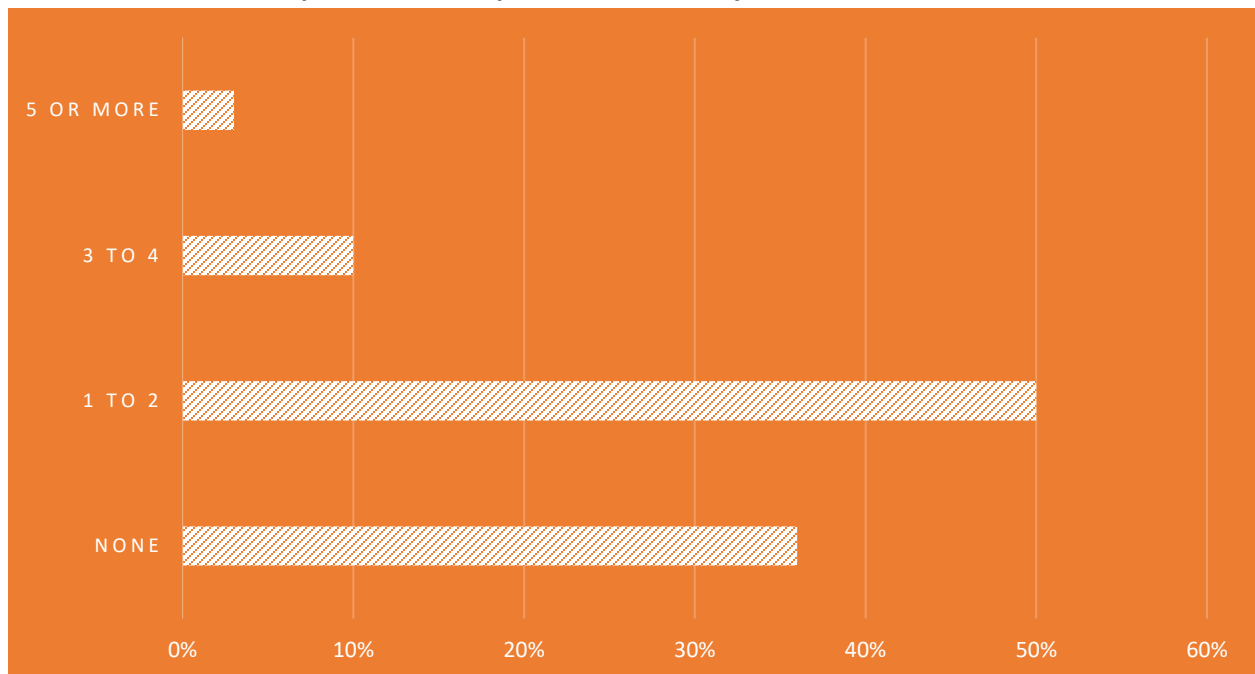
³ FMVSS No. 140 Speed Limiting Devices: *Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Analysis*, NHTSA (August 2016), pg. 11

one truck company. My next load depends on detention. If I'm held up, I can lose thousands of dollars for loads missed."

Graph 5: If you collect detention pay, it is, 2021



Graph 6: Loads lost per week because of detention time, 2021



When asked to name the top three shippers and receivers who consistently detain drivers for more than two hours, the participants indicated that Walmart was the top offender for both, followed by Tyson and Americold for shippers and Target and Sysco Foods for receivers. This was mostly consistent with previous

Detention Time Surveys. While the second and third slots for both shippers and receivers have varied slightly over the past three years, Walmart continues to retain the top spot. In terms of the ports, members stated that Houston, Long Beach, and Savannah were the three worst ports regarding detention.

Table 3: Top three shippers, receivers, and ports who consistently detain drivers for over two hours, 2021

Rank	Shippers	Receivers	Ports
1.	Walmart	Walmart	Houston
2.	Americold	Kroger	Long Beach
3.	Tyson	Sysco Foods	Savannah

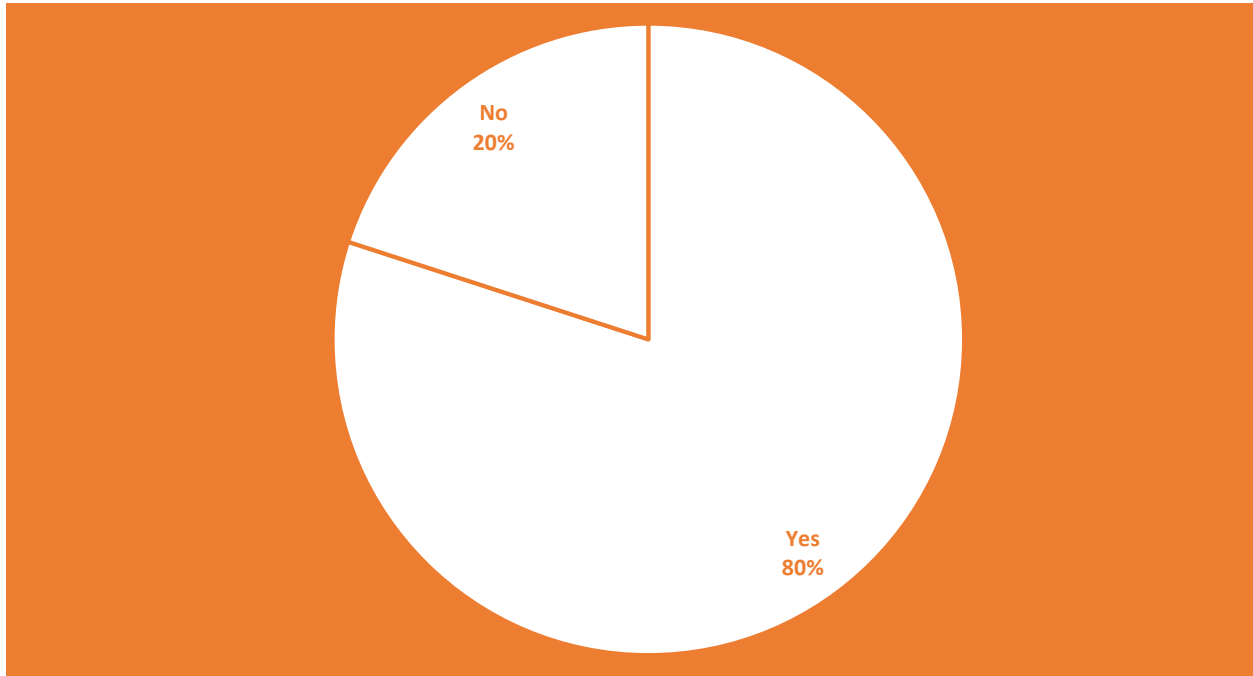
The survey also asked members what they thought would be the best method to measure or track detention time. Although some participants were unsure how to respond, many indicated that electronic logging devices were the answer. For not only do ELDs electronically record a driver's record-of-duty-status, but they are also required to track the geographic location of the truck. Both of which could be utilized to measure and verify the time a driver spends waiting to load or unload. One member stated, "Since we are stuck with ELDs, may as well make them useful to us in one way." Nevertheless, other participants recommended utilizing some form of electronic stamp via a smart phone application [i.e., MacroPoint for Truckers], adding a "waiting to load" and "waiting to unload" option in the ELD, a global positioning system, a standard detention time form provided by the carrier, or simply adding a check in and out field on the bill of lading. All of which could be relatively simple to implement.

Ultimately, in order to address the issue of detention time, some members stated that proper planning coupled with honoring appointment times could help solve many of the problems that carriers and drivers experience today. Others stated carriers and drivers either need to push for and demand detention time pay in their contracts or freight rates, or simply quit doing business with those entities that are the worst offenders. Most members however believed that brokers, shippers, and receivers would not honor detention time pay unless there was some form of motivation or incentive, whether it is through a federally mandated fine or by contracting with other brokers, shippers, and receivers who will ensure detention pay. One member wrote, "Shippers and receivers have too much control and will never police themselves and will not convert to efficient systems unless forced to do so." Regarding the ports, many of the members indicated that the biggest issue was the various unions. Other problems included a shortage of port employees, better signage and communication, and equipment issues, such as scarce or damaged chassis.

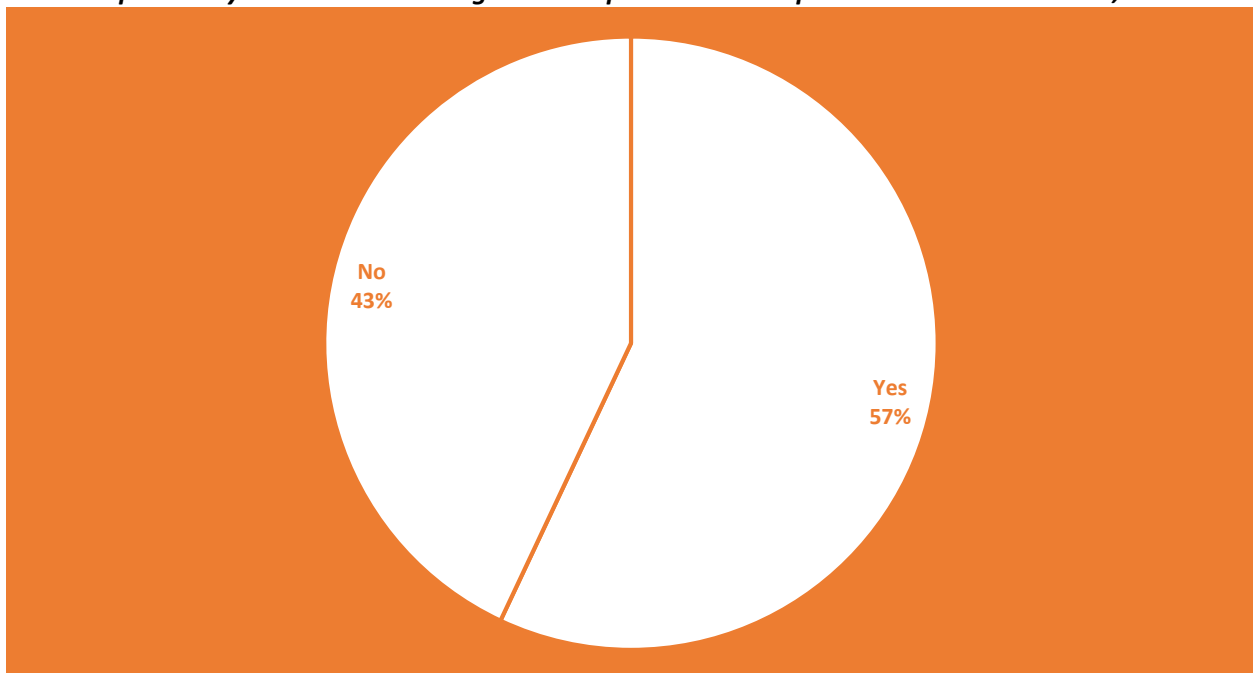
Although most drivers and owner-operators are weary of more regulations, several members recommended introducing language into the federal regulations requiring either penalties for shippers, receivers, and carriers who do not compensate for detention, establishing a fixed hourly wage, or both. Additional suggestions included removing or changing the hours of service regulations or eliminating the federal exemption on overtime and minimum wage for truck drivers in the Fair Labor Standards Act (FLSA). In fact, when asked, 80 percent of respondents indicated that they would be in favor of OOIDA striving to remove the exemption, while 57 percent believe it will help address detention time.

In the end, members believe that brokers, shippers, receivers, ports, and even carriers, need to assume some responsibility for the economic and safety effects of detention. Members indicated that while some carriers and brokers collect detention time pay, they do not always pass it on to the driver.

Graph 7: Would you be in favor of OOIDA striving to remove the FSLA exemption?, 2021



Graph 8: Do you believe removing the exemption would help address detention time?, 2021



Results of the Survey

There are 840 total respondents currently for any one question as of December 31, 2021. On Wednesday, December 1, 2021, the OOIDA Foundation emailed an online survey to 17,553 members who allow for email communication. The Survey had a started/viewed rate of 58 percent and a **99 percent** confidence level with approximately **4 percent** margin of error. The Survey therefore is statically valid.

The number of respondents per question is in (). Percentage of each answer is given based on the number of respondents marking any one answer; all percentages have been rounded to the nearest whole number.

1. Which best describes your type of operation? (835)
 - a. **Owner-operator (own authority) – 41%**
 - b. Owner-operator (leased to motor carrier) – 38%
 - c. Company driver – 12%
 - d. Fleet owner – 6%
 - e. Retired – 2%
 - f. Other – 1%

2. What **best** describes your business model? (833)
 - a. **Truckload – 83%**
 - b. Less-than-truckload – 6%
 - c. Expeditor – 1%
 - d. Power Only – 6%
 - e. Other – 5%

3. What is the **primary** equipment you pull? (832)
 - a. Flatbed (all configurations including lowboy and RGN) – 20%
 - b. Reefer – 21%
 - c. **Van – 38%**
 - d. Grain – 3%
 - e. Dump – 1%
 - f. Tanker/Hazmat (including pneumatic trailer) – 7%
 - g. Auto transporter – 1%
 - h. Livestock – 1%
 - i. Containers – 3%
 - j. Expedited – 0%
 - k. Hot shot – 1%
 - l. Other – 3%

4. Which best describes the **primary** freight you typically haul? (813)
 - a. **General freight – 48%**

- b. Refrigerated – 19%
 - c. Agriculture non-refrigerated – 2%
 - d. Building materials – 7%
 - e. Aggregate (concrete, gravel, sand, etc.) – 1%
 - f. Livestock – 1%
 - g. Automotive – 2%
 - h. Hopper – 2%
 - i. Intermodal containers – 1%
 - j. Hazmat/liquid/chemicals/fuel/oilfield – 6%
 - k. Oversize/overweight – 3%
 - l. Other – 7%
5. Have you serviced the ports in the last 12-months? (827)
- a. Yes – 20%
 - b. No – 80%**

If yes, why do you service the ports? (150)

- That is where the loads are
- That is where my carrier operates
- Pay
- Plenty of loads
- Low deadhead

If no, why do you not service the ports? (518)

- Too much detention and downtime
- Too much congestion
- Poor treatment and equipment (i.e., chassis)
- Do not have a TWIC card
- Too many rules and regulations
- Rates do not justify the headaches involved
- Not part of their particular operation or business model
- Do not operate in California
- Not interested in general

If yes, which ports have you serviced? (146 respondents marked 256 answers)

- 1. Savannah – 29
- 2. Houston – 24
- 3. Baltimore – 15
- 4. Wilmington – 11
- 5. Long Beach – 11

If yes, how frequently do you serve the ports? (158)

- a. **Once every few months – 58%**
- b. Once a month – 15%
- c. Once a week – 8%
- d. Multiple times a week – 20%

6. Do you **primarily** haul: (827)

- a. Local (less than 150 miles) – 8%
- b. Regional (151-500 miles) – 34%
- c. Dedicated – 4%
- d. **Long haul (501+ miles) – 53%**

7. Do you **primarily** haul in: (**select all that apply**) (824 respondents checked 2,013 answers)

- a. Northwest (AK, ID, MT, NE, ND, OR, SD, WA, WY) – 24%
- b. Southwest (AZ, CA, CO, HI, NM, UT) – 27%
- c. **North central (IL, IN, IA, KY, MI, MN, OH, WI) – 55%**
- d. South central (AR, KS, LA, MS, MO, OK, TX) – 53%
- e. Northeast (CT, DE, ME, MA, NH, NJ, NY, PA, RI, VT) – 31%
- f. Southeast (AL, FL, GA, MD, NC, SC, TN, VA, WV) – 54%

8. How are you **primarily** paid for your services? (**Select only one**) (800)

- a. **Per Trip**, What is your average trip pay? – 33%
 - i. Mean – \$1,989.52
 - ii. Median – \$1,500
 - iii. Mode – \$1,500
- b. **Per Mile**, What is your per mile pay? – 33%
 - i. Mean – \$2.25
 - ii. Median – \$2.40
 - iii. Mode – \$3.00
- c. **Hourly**, What is your hourly rate of pay? – 2%
- d. **Percentage**, What is the percentage of the load? – 23%
 - i. Mean – 72%
 - ii. Median – 75%
 - iii. Mode – 75%
- e. By **volume or weight**, What is your average pay? – 4%
- f. **Salary**, What is your annual salary? – 1%
- g. Other – 3%

9. On average, do you comply with the: (829)
- a. 60 hours in seven days rule – 13%
 - b. **70 hours in eight days rule – 87%**
10. Do you load or unload your own truck? (832)
- a. Always – 11%
 - b. Usually – 6%
 - c. Occasionally – 23%
 - d. **Never – 60%**
11. How many hours per week do you spend on average waiting to load? (827)
- a. 0 to 2 hours – 19%
 - b. 3 to 5 hours – 25%
 - c. **6 to 10 hours – 32%**
 - d. 11 to 20 hours – 18%
 - e. 21 to 30 hours – 4%
 - f. 31+ hours – 2%
12. How many hours per week do you spend on average waiting to unload? (817)
- a. 0 to 2 hours – 21%
 - b. 3 to 5 hours – 23%
 - c. **6 to 10 hours – 31%**
 - d. 11 to 20 hours – 18%
 - e. 21 to 30 hours – 6%
 - f. 31+ hours – 1%

If you service the ports, over the past 12-months, do you believe that detention time at the ports has: (153)

- a. Increased – 35%
- b. Decreased – 8%
- c. **Stayed the same – 56%**

If increased, by how many hours has it increased? (45)

Mean – 6.1 hours

Median – 3.0 hours

Mode – 2.0 hours

Is the current level of congestion at the ports (2020-2021) worse than pre-pandemic levels (2016-2019)? (151)

- a. **Yes – 60%**
- b. No – 40%

If yes, how many more hours are you detained due to congestion? (71)

Mean – 7.2 hours

Median – 3.0 hours

Mode – 2.0 hours

13. In your professional opinion, how would you best define detention time? (586)

- Time spent waiting to load or unload over two hours
- Time spent waiting to load or unload past contracted allowance
- Time spent from checking in at facility to the time checking out, including waiting in line and paper work and not just time spent at the dock
- Time spent waiting to load or unload period
- Time spent waiting to load or unload over one hour past appointment time
- Lost revenue/stolen time
- Detention time is relative to the type of load being hauled. For example, LTL loads should take less time than full TL, etc.
- There should be no mandatory two-hour grace period

14. The trucking industry has traditionally defined detention as any time spent waiting to load or unload in excess of two hours. Would you be in favor of OOIDA challenging that tradition? (631)

- a. **Yes – 84%**
- b. No – 16%

15. In your professional opinion, what is a fair hourly rate for detention time? (611)

- a. Mean – \$85.41
- b. Median – \$75.00
- c. Mode – \$100.00

16. How often do you attempt to receive compensation for detention time? (625)

- a. **Always – 52%**
- b. Usually – 14%
- c. Occasionally – 23%
- d. Never – 11%

17. If you do not attempt to receive compensation for detention time, is it ***primarily*** because: (286)

- a. Afraid of losing business – 10%
- b. **I won't receive it anyway – 48%**
- c. It's part of my contract – 3%
- d. I don't have much waiting time – 20%
- e. Other – 18%

18. How do you collect detention pay? (*check all that apply*) (616 respondents checked 732 answers)
- a. Through the motor carrier directly – 36%
 - b. Through the broker – 49%**
 - c. Through the shipper – 11%
 - d. I negotiate it into my rate – 8%
 - e. I do not receive detention pay – 15%
19. If you collect detention pay, it is: (489)
- a. On all loads – 30%
 - b. ¼ of loads – 48%**
 - c. ½ loads – 13%
 - d. ¾ of loads – 9%
20. If you collect detention pay, what do you receive **per hour** on average? (i.e., a driver was in detention for 2-hours and received \$100 total for that time. Thus their detention pay equaled \$50 **per hour** [\$100 detention pay ÷ 2-hours of detention time = \$50 per hour]) (493)
- a. Mean – \$46.08
 - b. Median – \$40.00
 - c. Mode – \$50.00
21. How many loads **per week** do you deliver on average? (618)
- a. Mean – 6.5 loads
 - b. Median – 4.0 loads
 - c. Mode – 3.0 loads
22. How many loads **per week** do you **lose** on average because of detention time? (611)
- a. None – 36%
 - b. 1 to 2 – 50%**
 - c. 3 to 4 – 10%
 - d. 5 or more – 3%
23. Please list the top three **shippers** that consistently detain you for more than two hours. (376 respondents marked 835 answers)
- a. Walmart – 51
 - b. Tyson Foods – 27
 - c. Americold – 27
24. Please list the top three **receivers** that consistently detain you for more than two hours. (352 respondents marked 843 answers)
- a. Walmart – 125
 - b. Target – 41

- c. Sysco - 33
25. If you service ports, please list the top three ports that consistently detain you for more than two hours. (75 respondents marked 144 answers)
- Port of Houston – 15
 - Port of Long Beach – 12
 - Port of Savannah – 12
26. In your professional opinion, what would be the best way to measure or track detention time? (533)
- Time stamps for check-in and check-out times
 - Arrival and departure times on the bill of lading
 - GPS geofencing
 - ELD
 - Tracking app
27. In your professional opinion, what would be the best way to solve the issue of detention time? (556)
- Law requiring shippers to pay detention and forbidding brokers to take any part of it
 - Detention time pay goes directly to the driver
 - Require detention time to be included in the bill of lading/rate confirmation
 - Adequate staffing at facilities
 - Refuse to haul for shippers or receivers with excessive detention time
 - Incorporate the fee into the flat rate
 - Leave the issue for the carrier to deal with directly. Concern for more regulation
 - Platform where drivers can see the average dwell times at shippers and receivers
 - Normalize or define what constitutes detention time
28. In your professional opinion, what is the best way to solve detention and inefficiencies at the ports? (289)
- Remove the unions who create extra headaches and seem to prevent progress being made
 - More port employees
 - Better signage and communication
 - More pressure on those companies who are not in compliance with the regulations
 - Better understand the movement of freight within the port itself to streamline it
 - Address chassis issues

The Fair Labor Standards Act (FLSA), first enacted in 1935, requires employers to pay covered non-exempt employees at least the federal minimum wage for all hours worked during the workweek and overtime pay for all hours worked over 40 in a workweek. However, truck drivers are exempted from the FLSA

under Section 13(b)(1), meaning they are not entitled to overtime pay if they operate a vehicle over 10,000 pounds.

29. Would you be in favor of OOIDA striving to remove the exemption? (598)

- a. **Yes – 80%**
- b. No – 20%

30. Do you believe this will help address the issue of detention time? (601)

- a. **Yes – 57%**
- b. No – 43%