

**Testimony of Todd Spencer, President & CEO
Owner-Operator Independent Drivers Association
before the
United States House of Representatives, Committee on Transportation & Infrastructure
Subcommittee on Highways & Transit
“Under Pressure: The State of Trucking in America”
June 12, 2019**

Chairwoman Norton, Ranking Member Davis, and Members of the Subcommittee, thank you for providing me the opportunity to testify today. My name is Todd Spencer and I began my career as a professional truck driver in 1974. In 1978, I was elected to the Board of Directors of the Owner-Operator Independent Drivers Association (OOIDA). In 1992, I was elected Executive Vice President of the association – a position in which I served until the 2018 passing of our long-time leader, Jim Johnston. On April 26, 2018, I was elected to replace Mr. Johnston as President & CEO of OOIDA.

For those unfamiliar with our organization, OOIDA has represented the interests of owner-operators and professional drivers for over 45 years. We were created by truckers to ensure their voices were being heard in Washington and beyond. Decades later, we continue to be led by men and women who make their living behind the wheel. Today, we have over 160,000 members across the United States and Canada. No other organization participating in today’s hearing knows truckers like we do.

For those unfamiliar with our industry, small trucking businesses like those we represent account for 96% of registered motor carriers in the U.S. We are undoubtedly the safest and most diverse operators on our nation’s roads. Our activities impact all sectors of the American economy on a daily basis. We move everything and anything – from agricultural products and household goods to military equipment and energy resources.

I commend the Subcommittee for exploring the state of the trucking industry in America today, but I regret to inform you the current condition can only be defined as broken. Unfortunately, trucking has been fundamentally broken for years and conditions show little sign of improving. While there is no quick and easy solution for remedying the many pervasive problems within the industry, I’m very eager to highlight what can be done to help make a career in trucking more appealing, safe and sustainable.

First, allow me to paint a picture of the current state of trucking from the perspective of an OOIDA member.

Our members typically spend roughly 250 nights on the road each year, keeping them away from family, friends, and the comforts of home. They often work between 60 and 80 hours each week - a demanding schedule that is rarely reflected in their paychecks. Some even make less than minimum wage as a professional driver.

Truckers work in extremely difficult conditions - inclement and unpredictable weather, dangerously congested highways and deteriorating roads add extra stress and volatility to their jobs.

They strive to comply with an outrageously extensive list of federal, state, and local regulations, many of which have nothing to do with highway safety. A prime example is the electronic logging device (ELD) mandate.

They have to contend with shippers and receivers that needlessly detain them for hours on end, dishonest brokers that have no intention of providing them agreed upon compensation, and large motor carriers that subject them to deplorable working conditions.

While the life of every American is intrinsically dependent on the work of truckers, they are widely treated as nuisances by the motorists with whom they share the roads - motorists who are far more likely to be responsible for a crash involving a commercial motor vehicle.

Things that many of us take for granted – such as the ability to access basic amenities, and to park and rest in a safe location – are daily challenges for our members. In fact, few people know the lack of available truck parking has reached a crisis level and is now contributing to a decrease in safety.

Here in Washington, elected officials have long viewed truckers as reckless threats to highway safety, dispensable elements of the supply chain, rolling sources of revenue or all of the above. Very few are aware of the important role truckers play in our economy or the many serious challenges facing those who make their living behind the wheel. Unfortunately, most federal lawmakers mistakenly believe the most significant problem facing our industry is a shortage of drivers.

Immediate acceptance of the driver shortage myth illustrates Congress's troubling lack of understanding involving our industry. Taking a closer look at what's actually occurring in trucking will reveal there is no driver shortage at all. You'll also discover embracing some of the solutions proposed by those peddling the myth will only compound many of the actual problems I've already mentioned.

Consider this reality: there are more than 400,000 new commercial driver's licenses (CDL) issued each year – most for long-haul operations. However, most of these new drivers won't last more than a few months behind the wheel. In fact, some of our nation's largest truckload carriers have driver turnover rates that consistently exceed 90% year-after-year. To be clear, high driver turnover is a serious problem in trucking but **THERE IS NO DRIVER SHORTAGE.**

Once you understand the driver shortage is a myth, proposals like the DRIVE-Safe Act are exposed for what they really are – dangerous attempts by large fleets to increase their supply of cheap labor without taking any steps to improve compensation or working conditions. As long as the status quo remains intact, turnover rates will continue to be sky high among large carriers, no matter the age of their drivers.

If Congress is serious about improving the state of trucking in America – and I believe you are – you must start by helping to make careers in trucking more viable. To do so, you must work to create a regulatory environment featuring rules that are proven to enhance safety. With the

exception of driver training, you must also limit the implementation of one-size-fits-all requirements that fail to reflect the diversity of trucking. Additionally, steps must be taken to improve working conditions and ensure drivers are fairly compensated.

Truckers prioritize safety, but oppose the implementation of costly and burdensome regulations that do nothing to promote it. For example, not enough is known about underride crashes or equipment to justify implementation of a multi-billion dollar mandate for front and side underride guards. The proposed speed limiter mandate would create dangerous speed differentials on American roads, which is proven by empirical third party research to increase crash rates. And proposals to raise trucker's minimum liability insurance coverage to outlandish levels would likely force many of the safest and most experienced drivers out of business.

Truckers will tell you the best way to promote safety is to improve driver training requirements. Too many new drivers enter our industry without the basic skills to safely operate a commercial motor vehicle. While the Entry-Level Driver Training rulemaking - set to go into effect next year - will finally establish national training standards, the regulation does not include any behind-the-wheel instruction necessary for acquiring a CDL. None.

Truckers also want reasonable hours-of-service requirements that reflect the current realities of their profession. Today's standards have done nothing to improve safety, but add unnecessary stress and complexity to a driver's day. Congress must continue to support the administration's efforts to provide truckers greater flexibility and control of their schedules through the modernization of HOS requirements.

Drivers need reliable and safe parking, so they can rest when fatigued or running out of time on their clock. OOIDA is working with members of this panel to draft legislation that will provide dedicated funding for the expansion of truck parking capacity. When developing legislation that invests in America's infrastructure, Congress must prioritize truck parking.

Like all hard-working Americans, drivers want to be appropriately compensated for the work they do. For decades, driver compensation has been stagnant, making careers in trucking less appealing to new entrants and less sustainable for experienced truckers. Today, if the wheels of a truck aren't moving, drivers typically aren't getting paid. However, they are burning more and more hours needlessly detained by shippers and receivers because Congress has failed to address excessive detention time. Drivers are also exempt from over-time pay through the Fair Labor Standards Act (FLSA). This exemption was implemented in the 1930's to prevent drivers from working too many hours, but today, it simply prevents them from receiving adequate compensation for the work they do. The FLSA exemption for truck drivers is outdated and should be repealed.

Truckers are subject to more regulations and greater enforcement than ever before, and while compliance with those regulations has never been higher, crash rates are still moving in the wrong direction. Large motor carriers are pressuring Congress to enact unsafe policies to combat a fictitious driver shortage, while doing nothing to address their precariously high turnover rates. The American economy is stronger than it has been in years, but many drivers are still struggling to make ends meet. The lack of truck parking is becoming a national safety crisis, but few

consider it a priority for infrastructure investment. These are the symptoms of an industry that is broken.

Thankfully, trucking is not broken beyond repair, and hosting this hearing is a critical step toward helping repair our industry. However, until Congress understands the most important component in trucking is the driver, very little will change. The next steps you must take are clear - help make trucking an appealing, safe and sustainable career. OOIDA is eager to work you with.

Chairwoman Norton and Ranking Member Davis, thank you for allowing me the opportunity to testify today on behalf of owner-operators and professional drivers. I look forward to answering your questions.

Thank you,

A handwritten signature in cursive script, appearing to read "Todd Spencer".

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