



**TESTIMONY
OF
LaMont Byrd, Director
Department of Safety and Health**

Before the

U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

“The Future of Commercial Motor Vehicle Safety: Technology, Safety
Initiatives, and the Role of Federal Regulation”

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Chairman Graves, Ranking Member Norton, and members of the Subcommittee:

My name is LaMont Byrd, Director of Safety and Health for the International Brotherhood of Teamsters (IBT). As a union representing more than 600,000 members who daily perform jobs along America's roadways, we welcome the invitation to testify today on "The Future of Commercial Motor Vehicle Safety." Our members contend daily with crumbling roads, long hours, bigger trucks, increasing congestion, and insufficiently trained drivers, all of which undermine safety and add pressure to an already stressful occupation.

The Teamsters Union strongly supports the enactment of a long-term Surface Transportation bill, and we hope that a consensus can be found to fund much needed infrastructure repairs and improvements. It is imperative that we address the deficiencies in our transportation system in order for the U.S. to compete in the global economy. Congestion on our highways costs billions in lost productivity and additional fuel expenses, not including a value on time lost with family. And deteriorating highways and bridges add to the cost of maintenance of vehicles – whether they be a personal automobile or a fleet of tractor trailers.

As the Committee moves forward, it is equally important that we do not use this legislation to compromise safety on highways that are overly congested with distracted drivers, overly tired commuters and truck drivers who are all experiencing more time in traffic. We hope that a balance can be found to address the concern of overly burdensome regulations with what's needed to maintain our current level of safety on our highways.

Hours-of-Service Regulations

Commercial Motor Vehicle operators endure many pressures while driving and already work long hours. We cannot afford to add to driver fatigue by rolling back hours-of-service regulations which were carefully crafted over the course of more than two decades of rulemaking, several court challenges, thousands of pages of research and studies on proper sleep habits, rest periods, fatigue, and the best ways to ensure that truck drivers operate safely on our highways. No stakeholder is entirely satisfied with the final Hours-of Service (HOS) rule, but with any regulation, the Federal Motor Carrier Safety Administration strived to strike a fair balance that maintains a safe work environment for drivers and yet isn't overly burdensome to the operations of motor carriers. Initially, the Teamsters Union had gone to court over the increase in driving time from 10 to 11 hours and took issue with the 34-hour restart provision. In fact, the union felt so strongly that 34 hours did not provide adequate rest that a majority of our members covered under our National Master Freight Agreement (NMFA) are not subject to the 34-hour restart provision. A Memorandum of Understanding was signed by the signatories to the NMFA that prohibits those companies from subjecting their drivers to the restart provision. With that exception, other Teamster members do operate under the restart provision, but its use once a week versus continually goes a long way in combating driver fatigue.

We have seen recently the effects of exhaustion by pushing drivers to the limits of the hours-of-service regulations. The high-profile accident last June which injured actor-comedian Tracy Morgan brought to the public's attention the danger of tired sleep deprived truck drivers operating 80,000 lb. rigs on our highways. The driver of a Walmart tractor trailer fell asleep and rammed into the limousine bus carrying

Morgan and his entourage, causing 1 fatality and seriously injuring the actor as well as 3 others. Despite countless other fatal accidents involving fatigued drivers, this one accident shined a spotlight on the issue of compliance with HOS regulations and driver fatigue. The driver admitted that he had been awake for the previous 24 hour period and that he fell asleep just prior to hitting Morgan's bus. According to the National Transportation Safety Board's (NTSB) preliminary report, the truck driver was just 28 minutes shy of the maximum 14-hour on-duty period when the collision occurred and had he reached his destination, likely would have exceeded his maximum on-duty limit.¹

Unfortunately, provisions to suspend the current limitation on the use of the 34-hour restart provision and the mandated two consecutive 1am to 5am rest periods were included in the Consolidated and Further Continuing Appropriations Act, 2015. Limiting the restart to once every 168 hours plays a key role in holding down the number of hours that a driver can work in a week. Without this limitation, the number of hours that a driver can work is increased from the current 70 hours per week to over 80 hours per week – twice the number of hours that most Americans work in a week's time. And the 34-hour restart is 14 hours short of the normal weekend that most workers have off to rest, recuperate and tend to personal business. Most of us cherish our weekend—those 2 days off that we can spend with our families, but imagine returning to work on a Sunday afternoon instead of Monday morning. That's what truck drivers face with the 34 hour restart.

¹ National Transportation Safety Board (NTSB), *Highway Investigation Preliminary Report* (NTSB, 2014), http://www.nts.gov/investigations/fulltext/HWY14MH012_preliminary.html.

Today, our roads are more congested than ever. Drivers have less time to make critical decisions on changing lanes and shorter distances to slow down or stop. Drivers must be more alert, and driving in congested traffic is more stressful and tiring. Yet, without the limitation on the restart provision, drivers can be forced to work longer and longer hours, putting their safety and that of the public at greater risk. The Teamsters Union strongly opposed this change in the current restart provision and we encourage the Committee not to include any extension in the Surface Transportation bill.

Suspending the required consecutive rest periods of 1am to 5am is an equally dangerous step. Numerous studies have shown that back-of-the clock work is more tiring and can lead to cumulative fatigue. This consecutive rest period requirement is designed to give drivers rest when their body clock tells them they need it most – during their regular circadian rhythm. Those advocating for suspending this part of the regulation have argued that more trucks will be on the road during daylight hours when roads are more congested. That would suggest that every truck driver would start his truck at 5:15 am and hit the road simultaneously. For the most part, work and delivery schedules vary. Not all truck drivers start their work day at the same time. In addition, while there is less automobile traffic at night, there are also many trucks pulled off the side of the road, in truck plazas, and at rest stops, with drivers asleep, mostly because their body clock is telling them that they are tired. The 1am to 5am provision is an important element in defeating cumulative fatigue. Understanding that the DOT Driver Restart Study is underway, Congress should not consider making either of these HOS provisions permanent, both of which diminish highway safety.

Electronic Logging Devices (ELDs)

The FMCSA has proposed the mandatory use of ELDs for motor carriers and the Teamsters Union believes that ELD technology may have utility in ensuring compliance with the Hours of Service (HOS) regulations. Fatigue is often an under-reported cause of crashes involving large trucks. However, in our view, the use of the technology is not a panacea relative to compliance with the HOS regulation. ELDs are designed to automatically capture information regarding the time during which a CMV is operating, however, recording devices will not automatically capture data concerning “on duty, not driving” time. The driver will have to manually input this information, thus allowing an unscrupulous individual the opportunity to input erroneous information. Further, we have concerns about how drivers will be identified as actually being the operator of the ELD-equipped CMV. While there has been discussion about methods that could be employed to identify drivers, it is possible that some methods could be defeated, thus allowing a driver who has no available driving hours to operate while using another driver’s identity. In addition, we have serious concerns about other information that can be collected by the “black box” technology. Our experience has been that carriers utilizing this type of technology want to combine it with Global Position Satellite (GPS) technology and collect information on the “real time” position of the vehicle, in addition to information on various operational criteria (engine speed, braking operations, etc.) Some carriers have attempted to use this information to critique the driving patterns of drivers, including forcing drivers to drive faster and make fewer and shorter stops and pressuring drivers to maintain the posted speed limit in a particular area, although there may be weather or traffic conditions that preclude the driver from doing so. In extreme situations, motor carriers have attempted to use the information to implement disciplinary actions against drivers

for failure to follow a management directive. This practice has contributed to job stress (which may contribute to driver fatigue), overall job dissatisfaction, and in some instances has an adverse impact on safety. We hope that these issues will be resolved with the issuance of the final rulemaking so that ELDs will be used for HOS compliance only and not to monitor or measure the “productivity” of the driver.

Speed Limiters

NHTSA data indicates that speeding was a contributing factor in 20 percent of all fatal crashes in 2012. Many commercial motor vehicles (CMVs) operated by Teamster members are currently equipped with speed limiting devices, and our drivers report no significant problems or safety hazards associated with the use of such equipment. However, in some instances, the union and motor carriers negotiated contract language that requires the vehicles to be able to reach an agreed to speed to ensure that the vehicles can be safely operated on highways and throughways. For our LTL sector, limiters are set at 62mph. The union is particularly concerned that the vehicles be able to attain sufficient speeds to safely merge onto highways and pass other vehicles, if necessary. Further, CMVs should also be able to maintain safe speeds while traveling up hills and inclines. The Teamsters Union could support the industry-wide use of speed limiters under those conditions and look forward to reviewing the upcoming rulemaking.

Truck Size and Weight

In 2012 it was estimated that more than 3,802 fatalities involving trucks occurred.² That number is unacceptably high and the United States cannot afford further compromising safety by increasing the lengths and weight of commercial vehicles. Increased truck size and weight not only causes greater wear on highways but also stress on drivers who need greater stopping distances which are hard to judge and perform on congested roadways. Likewise, entrance and exit ramps are not designed for longer, heavier trucks and may cause issues for drivers attempting to get up to speed in order to merge.

Map-21 authorized a Comprehensive Truck Size and Weight study to examine the effects of bigger heavier trucks on highway safety and the infrastructure. That Comprehensive Study is underway, and Congress should not be entertaining any individual state or highway exemptions or piecemeal special interest exemptions until it sees what the results are. To preempt this study Congress would be turning its back on a study that it authorized. For these reasons, the Teamsters Union opposes exemptions like those for Kentucky, Wisconsin and Mississippi passed in the Consolidated and Further Continuing Appropriations Act, 2015.

While considering ways to improve highway safety, this Committee must also meet the challenges of rebuilding our deteriorating highway and bridge infrastructure and meet our country's transportation needs of the future. The issues of truck size and weight play a central role in that decision-making process. Proponents of heavier trucks claim that adding a sixth axle will mitigate highway

² National Highway Traffic Safety Administration (NHTSA), *Fatality Analysis Reporting System: Fatal Crashes by Vehicle Type* (Washington, D.C.: NHTSA, 2014), <http://www.fars.nhtsa.dot.gov/Vehicles/VehiclesAllVehicles.aspx>.

pavement damage. While that may be true if the axle is employed properly, a sixth axle does nothing to alleviate the increased weight on our nation's bridges, half of which are more than 40 years old with one-in-four classified as structurally deficient or functionally obsolete.

The claim that increasing trucks weights will result in fewer trucks on the road is unfounded. Each time there has been an increase in truck weight, truck traffic has grown, as shippers take advantage of cheaper rates and divert freight from rail to trucks. Our current highway system is not designed for bigger heavier trucks. These trucks need longer merge lanes to get up to speed, redesigned on-and-off ramps to accommodate longer combination vehicles, and greater stopping distances on a highway network that becomes more congested every day. The total stopping distance for an 80,000 lb. truck traveling at 55mph is 335 feet compared to 225 feet for a passenger car. At 65mph, that stopping distance for a truck increases to 525 feet versus 316 feet for an automobile. As you can imagine, it is very difficult to judge those distances in congested traffic.³

We also want to make clear that the Teamsters Union is strongly opposed to increasing 28 foot double trailers to 33 feet. Adding 10 feet to an already elongated tractor-trailer combination compromises highway safety. As stated previously, most on-and-off ramps and merge lanes have difficulty accommodating current configurations. Action by Congress could force 39 states that currently do not permit twin 33's to operate now. Advocates for the increase have argued that 33's are safer than 28 foot doubles, but there is no objective study or data that confirms this assumption.

³ National Safety Council' Defensive Driving Course for Professional Truck Drivers.

The trucking industry has used its influence in the state legislatures to increase both truck weights and trailer lengths on non-federal highways. That in turn has led to demands from frustrated state residents, who don't want to share their local roads with bigger trucks to increase truck size and weight on the interstate system, so that big truck traffic can be diverted from state roads that aren't equipped to handle it.

The Teamsters Union continues to support the *Safe Highways and Infrastructure Preservation Act*, or SHIPA. This legislation extends the current state and federal weight limits on the Interstate system to the non-Interstate highways on the National Highway System and prohibits further increases. The legislation recognizes and protects the states' existing grandfathered rights to allow certain differences in truck axle and gross weights than the maximum weight allowed in federal law. It essentially takes a "snapshot" of what states currently permit and freezes those weights and lengths. We believe this action will improve safety and protect our infrastructure investment.

Comprehensive Truck Size and Weight Study

The Teamsters Union, along with other safety community stakeholders, has been working with the Department of Transportation to address significant deficiencies and weaknesses in the process and methods used to conduct the Comprehensive Truck Size and Weight study mandated by MAP-21. This study to determine the impact of longer heavier trucks on safety and infrastructure will be the authoritative document on this issue for the next decade. It will guide many of the policy decisions that Congress makes in this area for years to come. For that reason, we have asked that significant issues raised by the Transportation Research

Board Peer Review Committee and us be immediately addressed before the study moves forward.

Unfortunately, the provision mandated that the study be completed in a two-year period. The last truck size and weight study took six years to complete, and so, from the beginning, DOT was under extreme time limitations to finish the study. As a result, the agency has taken numerous shortcuts that have added to the questionable process and expected results.

DOT has failed to meet mandatory deadlines imposed by Congress on dozens of regulatory proceedings and other studies. Why the agency has chosen this particular study to meet its deadline requirements is questionable.

The DOT study is not considering the effects of Turnpike Doubles or Rocky Mountain Doubles on our highways. These are the most common longer combination vehicles on our highways, especially in the eastern United States. Instead, DOT is examining triple trailers which operate in a limited number of states (13) in the west under very different driving and highway conditions than in other parts of the country, especially the east coast. You can't compare driving on Interstate 95 in Virginia or the Capital Beltway where there are exits every mile and heavy congestion with a four-lane highway in Montana where traffic is lighter and exits are more spread out. Yet, the data gathered in the study may be used to potentially justify longer, heavier trucks. Another issue is that there has been no attempt to obtain input from drivers. Who better knows about the operation of these trucks than the drivers themselves?

The study is also taking a static picture of freight volume and not accounting for the enormous freight increase projected for the future. The Federal Highway Administration predicts a 48% freight tonnage increase by 2040. And the study is predicated on the false assumption that bigger, heavier trucks will mean fewer trucks on the highway. The more freight you can put on one truck, the cheaper it becomes compared to rail and other modes. More freight will be diverted to trucks, which means more, not fewer trucks on the road. Historically, that's exactly what has happened every time there has been an increase in truck size and weight.

Vehicle Stability Systems/Advanced Safety Technologies

While avoiding fatigue in drivers and preventing bigger, heavier trucks from operating on our nation's roads is important to ensuring highway safety, it is equally important that the vehicles truck drivers operate have the necessary safety equipment installed. Equipping trucks with the latest safety technologies will eventually help reduce truck crashes. Brake Stroke Monitoring Systems, Vehicle Stability Systems, Lane Departure Warning Systems and Collision Warning Systems are all devices that can help drivers avoid accidents. However, it is important to provide the proper training so that these systems are not a distraction to the driver, that the driver understands the warning signal(s), knows what evasive action to take, and the driver does not overcompensate or defeat the assistance of the device. These systems must be used for the purpose for which they are designed and not as a tool to harass the driver.

Training

MAP-21 directed FMCSA to promulgate an Entry-Level Driver Training Regulation. The FMCSA created an entry-level driver training committee that is comprised of various stakeholders to develop a proposed rule. The Teamsters Union strongly supports this process and believes that through this collaborative effort, an effective rule will ultimately be promulgated. When we consider the significant driver shortage that exists in the trucking and passenger carrier industries, combined with the aging driver workforce, there will be an influx of new drivers into the commercial driving industry. Because there is significant data suggesting that inexperienced drivers are at higher risk of experiencing a crash, training for new drivers is critical.

Expanded training for all motor carriers helps to promote safe roads and there should be money available to properly train the drivers who transport goods and people. The Administration's bill, The *Grow America Act*, establishes a grant program that provides funds for commercial motor vehicle driver training which the Teamsters wholeheartedly support as a necessary means to increase the number of safe truck drivers on the road.

Detention Time

The driver shortage may also be derived from the poor compensation and working conditions that truckers receive. The Bureau of Labor Statistics estimates that the average yearly salary for a full time truck driver is \$36,970. When considering the long, stressful, and erratic work schedules these drivers have, the compensation drivers collect may not be enough to attract new drivers to the industry. Detention

times especially may cut into the pay a truck driver receives. The prospect of drivers waiting long periods to have their trailers loaded or unloaded at shipping and receiving facilities is becoming more the norm rather than the exception. For the most part, Teamster drivers are compensated for the time they are left waiting, and for that reason, detention time is not as prevalent in the union trucking sector. Unfortunately, that is not the case with owner-operators or non-union drivers. The longer they wait, the more time they lose in on-duty time, which can then effect the time they have left to drive. Drivers then feel pressured to drive beyond their Hours-of-Service limits, risking highway safety by driving fatigued. Those fatigued drivers are then sharing the road with our members. A Government Accountability Office study from 2011 indicated that about 80 percent of the drivers who are “detained” indicated that detention time impacts their capability to comply with Hours-of-Service regulations.⁴

Reasons for detention time vary, from lack of sufficient loading facilities to products not being ready for shipment. Whatever the reason, drivers suffer the consequences – reduced driving time and lost revenue for drivers and carriers.

The Teamsters Union was pleased that the Administration’s bill, the *Grow America Act*, attempts to address the problem of detention by authorizing the Secretary to require property and passenger motor carriers to compensate drivers under certain circumstances for on-duty (not driving) periods at no less than the minimum wage. This may encourage shipping and receiving facilities to create better efficiencies, but it doesn’t fully solve the problem. Those drivers that are independent owner operators, for example, have no employer to pay them for

⁴ Government Accountability Office, *Commercial Motor Carriers: More Could Be Done to Determine Impact of Excessive Loading and Unloading Wait Times on Hours of Service Violations* (DC: Government Accountability Office, 2011), <http://www.gao.gov/assets/320/315297.pdf>.

detention time. These are sometimes the drivers who experience the longest delays. Especially in the ports, whether they are misclassified independent owner-operators or employees of motor carriers, drivers line up and can wait for hours to pick up a container. While we are encouraged by the Administration's proposal, the Teamsters Union would suggest that the Administration find some way to cover all drivers including independent owner-operators and that the Secretary "shall", not "may" by regulation require motor carriers to compensate drivers at not less than the minimum wage for detention time.

Hair Testing

Improving truck safety includes keeping drivers who are unfit for duty off the road which includes testing drivers for substance abuse. The method of drug and alcohol testing using hair presents some interesting challenges for the trucking industry. While not necessarily linking the use of drugs and alcohol to impairment, it does give prospective employers the opportunity to identify those prospective drivers that may show a proclivity to abuse drugs. Legislation has been introduced at the request of the trucking industry, H.R. 1467/S. 806, the *Drug Free Commercial Driver Act*, that will allow carriers to use hair for pre-employment screening of drug use in place of current urine testing. The bill would also allow hair testing for random checks. The Teamsters Union worked with Members of Congress prior to introduction to secure language that clarifies that only those drivers who are initially pre-employment screened for drug use through hair testing will be subject to hair testing for random screening. Even with this clarification, there are still problems with hair testing. There is no national standard, thresholds for positive testing are low to a point where second hand smoke and environmental conditions

could affect test results, and privacy issues need to be resolved. We will work to address these and other issues as the legislation moves forward.

Mexico Cross-Border Trucking Pilot Program

Out of concern for roadway safety in the United States, the International Brotherhood of Teamsters has consistently been opposed to broadly opening our nation's highways to Mexico domiciled trucking companies until we can be assured that Mexican trucks and drivers meet U.S. safety standards and can operate safely on our highways. The Mexican Cross-Border Trucking Pilot Program reached its three-year statutory limitation in October. The IBT is concerned about the data collected during the program's duration and the potential use of the data in justifying an opening of the border to all Mexico domiciled motor carriers. In the three years of the pilot program, the Federal Motor Carrier Safety Administration (FMCSA) has had difficulty obtaining the number of participating companies and data the agency originally indicated would be necessary for accurate results. The DOT Inspector General estimated that at least 46 carriers would be needed to obtain a target of 4,100 inspections within 3 years to provide a statistically valid analysis of program participants' safety performance. Only 13 participants ended up in the study, mostly very small carriers with one or two trucks and one or two drivers. This is not a representative sample of the Mexican trucking industry. And, while FMCSA exceeded the number of inspections needed by approximately 1300, 82 percent of the inspections came from only 2 trucking companies. Before we grant Mexican trucking companies broader operating authority, FMCSA and Congress must ensure that statistically valid data supports that action. The Teamsters Union filed a lawsuit on March 10, 2015 in the United States Court of Appeals for the Ninth Circuit. The suit is based on DOT's Final Report to

Congress where driver and vehicle out-of-service rates which the agency stated were equivalent to or better than U.S. out-of-service rates. The Teamsters Union maintains that the report was flawed since DOT used data from carriers that were not part of the pilot program and asks the court to set aside the report and find that the actions taken by DOT to grant operating authority to additional carriers are invalid.

The Teamsters Union is also very concerned about the provision in the *Grow America Act* that removes the requirement that certain safety audits and compliance investigations of Mexico-domiciled motor carriers be conducted on-site in Mexico. While we can appreciate the DOT's concern for safety of its personnel, in light of State Department travel warnings and alerts for the safety and security of Agency personnel, an on-site visit can reveal much more about the safety culture of a motor carrier than simply reviewing a stack of paperwork. Maintenance and repair facilities can be examined, for example, along with personal observations that agency personnel can make seeing drivers and their trucks first hand. The fact that the lives of agency personnel may be in danger by conducting on-site visits to Mexico-domiciled motor carriers perhaps answers another question as to why U.S. motor carriers have not taken advantage of the reciprocity of the pilot program. This suggested shortcut does nothing to enhance the safety of Mexico-domiciled carriers and drivers.

Minimum Insurance for Motor Carriers

For too long, the minimum insurance for motor carriers has remained at \$750,000. Since that standard was passed 30 years ago, the minimum insurance would need to be increased to \$4.4 million to keep up with the inflation of medical costs and

property damage. Accidents involving motor carriers and passenger vehicles can easily reach into the millions of dollars. The Teamsters support H.R. 983, the SAFE Haul Act to raise liability coverage to \$4,532,550 and index it to inflation of medical costs to prevent any future degradation of value.

National Hiring Standard for Motor Carriers

The Teamsters Union has serious concerns about legislation that has been introduced in the House of Representatives, H.R. 1120, to create a National Hiring Standard for Motor Carriers. While we appreciate the concern and frustration that shippers and brokers experience in different states in determining what constitutes a safe motor carrier, the legislation is overly broad in that it imposes no liability at all for negligent selection of a motor carrier or “a claim or cause of action *related to* negligent selection under state or federal law, which seems to broaden the potential scope of the exemption from liability. We are not aware of any situation in which Congress has simply banned states from imposing liability where there is no corresponding federal remedy for the potential injury. While there are insurance coverage mandates in most states, there can be and are circumstances in which coverage either doesn’t exist or is inadequate. We fail to see how this legislation would contribute to any increase in motor carrier or highway safety. Merely relying on the Department of Transportation’s (DOT) safety rating system in hiring a motor carrier should not necessarily excuse anyone from liability in the event of an accident. DOT has many other databases that provide information concerning the safety record of motor carriers that can be utilized. One of these databases is the Federal Motor Carrier Safety Administration’s Compliance Safety and Accountability (CSA) program. The IBT supports the CSA program and we believe that it is a major improvement over the SafeStat Program. The CSA

program provides the FMCSA with additional enforcement tools that assist the agency in its efforts to efficiently and effectively target enforcement activities. Our driver members report that as a result of the CSA program, they are able to perform more comprehensive pre-trip and post-trip inspections because carriers are more sensitive to how issues concerning vehicle maintenance, for example, affect the carrier's CSA score. They also reported that they are more aware of the need to ensure that their credentials are current, as they too affect the carrier's CSA score.

Safety Standards for Commercial Motor Vehicle Drivers

The primary mission of the FMCSA is to prevent Commercial Motor Vehicle (CMV)-related fatalities and injuries. There should be a reasonable expectation that the regulations, especially regulations designed to improve the safety and health of workers/drivers and the public not have an adverse effect on drivers. While there are many provisions of the Administration's *Grow America Act* that we support, the Teamsters Union disagrees with the Administration's proposal to change the minimum safety standards regarding the physical condition of motor carrier operators. The Administration claims that "virtually all occupations have some deleterious effect on the physical condition of those employed and the effects of the job are often difficult to separate from the effects of personal behavior, aging or even genetic disposition," are at odds with the position of most competent health and safety experts. Most experts agree that virtually all occupations have work-related hazards that have the potential to cause work-related illnesses or injuries, if such hazards are not eliminated or controlled. Any rulemaking to control such hazards must consider factors such as age, genetic disposition, etc., to ensure that the rule is protective for most exposed workers. The change to the CMV safety

standard language requiring that the work not have a “significantly adverse effect on the physical condition of the operators” does very little to eliminate the debate on the issue. How is “Significantly adverse effect” defined? This is a solution in search of a problem. And this proposed change will cause many to think that the standard is significantly less stringent.

Financial Reporting

The IBT also disagrees with the Administration’s repeal of financial reporting in the motor carrier title of the *Grow America Act*. One section of the financial reporting form includes maintenance and vehicle parts costs. The expenditures that carriers make on maintaining their fleet may be indicative of their attention to vehicle safety.

It is unreasonable to claim that reporting is overly burdensome and insufficiently useful. The reporting requirements were just revised to eliminate quarterly reporting so the carriers already received significant relief. Also, we and others use the annual reports to assess the state of the industry over time. It’s the only valid, continuous data source that tracks carrier performance available to the public since deregulation. The reports can be manually completed online in a matter of minutes and are not arduous due to technological improvements. All Class I motor carriers capture these data at least annually as part of routine data collection and much, such as miles driven info, is often legally required by other reporting systems anyway (vehicle use tax, etc.). The problem is the data is not available online to the public as it should be –it’s an access issue if it is not being used. The data is valuable to a whole range of users, from academics to insurance companies, and does not expose any trade secrets as it currently stands – it has undergone

numerous revisions over time to eliminate that possibility. Furthermore, motor carriers can request confidentiality (competitive harm) if necessary and there are several exemptions that have already been thoroughly vetted by FMCSA and rulemaking. We believe that FMCSA should beef up enforcement and make the data more useful to the public.

Motor Carrier Safety Advisory Committee

The Teamsters Union supports the provision in the *Grow America Act* that codifies the obligation of the DOT Secretary to maintain the Motor Carrier Safety Advisory Committee (MCSAC). This committee, established by provisions in SAFTEA-LU, has allowed stakeholders to provide significant expertise to the DOT on a variety of issues. The current makeup of the committee is balanced, and this provision identifying specific stakeholders to be represented on the panel will ensure that all sectors of the industry have a voice in advising the Department on vital motor carrier safety issues.

Conclusion

Our members, through collective bargaining, receive better, extended training, more favorable duty periods, and the ability to refuse to operate a vehicle that is not in a safe operating condition which ultimately reduces risks and increases safety. In fact, a 2012 study entitled *Safety Performance Differences between Unionized and Non-union Motor Carriers* concluded that Union Membership has a positive impact on safety and results in fewer crashes compared to non-union carriers. Clearly, the IBT is committed to keeping our drivers and all others with whom they share the road safe. This Committee can help lead the way as you

develop transportation policy that recognizes and addresses the challenges ahead. The Teamsters Union looks forward to working with you to help grow a transportation network that meets the future needs of this country, moves freight efficiently and reduces the risks of accidents and improves the safety of our nation's highways.