



# **The International Brotherhood of Teamsters**

**Testimony before the**

**U.S. Senate Committee on Transportation Commerce, Science & Transportation  
Subcommittee on Surface Transportation, Maritime, Freight, and Ports**

**United State Senate**

**Testimony of Lamont Byrd  
Director of Safety and Health  
International Brotherhood of Teamsters**

**On**

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**International Brotherhood of Teamsters  
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## **Introduction**

Chairman Peters, Ranking Member Fischer and Members of the Subcommittee: My name is Lamont Byrd, and I am the Director of Safety and Health for the International Brotherhood of Teamsters (IBT). Thank you for inviting me here today to testify on “Freight Mobility: Strengthening America’s Supply Chains and Competitiveness.” The Teamsters Union represents more than 600,000 members who start their workday behind the steering wheel of a truck. We also represent more than 70,000 rail employees in the United States who work as locomotive engineers, trainmen, and maintenance of way workers through the Brotherhood of Locomotive Engineers and the Brotherhood of Maintenance of Way Employees. Whether they are rail workers operating at one of the five major freight railroads, Amtrak, or a commuter rail system, or a Teamster driver operating an 18-wheeler or dropping a UPS package at your door, we have seen the demands on hundreds of thousands of our transportation members increase dramatically over the past several years, even as many of them put themselves in harm’s way by continuing to show up to work during the COVID-19 pandemic.

On the trucking side, the pressures these drivers face come from a variety of sources, some obvious, others not so obvious. But a recurring theme pushing drivers sometimes to their limit is a claimed need by carriers for flexibility and greater efficiency. There are many reasons that put the trucking industry and its drivers under the gun. And a lot of it has to do with policy or lack thereof that hasn’t kept pace with an ever-changing transportation system. Specific policy issues relating to infrastructure, driver compensation, Hours-of-Service regulations and exemptions from other safety regulations, detention time, outright driver harassment, driver health, driver training and retention, automation and globalization all contribute to these pressures and are discussed at length in our testimony that follows. It’s a fact that a truck driver operates in a very regulated

arena. From the time he/she obtains a Commercial Driver's License (CDL), the driver is subject to medical certification, drug testing, and dozens of safety regulations. Drivers for the most part are paid by the mile, work the longest hours in any industry (60 to 70 hours per week) and don't receive overtime pay. They make money by delivering a product on time, and the odds right now are stacked against them in doing so by many factors.

On the rail side, many of these same conditions exist. There also are some stark differences that create great inequity for Rail Teamsters. Most BLET members have no fixed work schedules and are tied to a telephone; compounding matters is an almost complete lack of reliable information from which locomotive engineers and trainmen can regulate their off-duty time to ensure that they are fully rested when they have to report for work. A significant percentage of BMWED members work on traveling gangs that cover huge geographical territories, taking them from their homes and families for a week or more at a time.

Rail Teamsters, and all rail workers, also face two other industry-wide challenges. One is a never-ending drive by rail carriers to replace workers with technology. For BMWED members this has taken the form of replacing human track inspection with drones. BLET members are increasingly being forced to run trains – upwards of three miles long – that exceed the boundaries of safety, and the carriers are actively seeking to cut the size of road freight crews in half. On top of this, the railroads have adopted a business model, called Precision Scheduled Railroading (PSR), which subordinates service, staffing and safety to a never-ending chase to reduce operating ratios, which is a railroad's operating expenses expressed as a percentage of its revenue.

## **Infrastructure**

The failure to invest and improve the nation's infrastructure impacts the trucking and the rail industry alike, its workers, and consumers in many adverse ways. The explosion of on-line shopping coupled with consumer demands of "I have to have it tomorrow" and an even greater emphasis on just-in-time delivery have put more freight in the system and more pressure on both truck drivers and railroaders alike to deliver goods quickly. The structural shift to PSR has thrown gas onto this fire and forced many railroaders to work at breakneck and unsafe speeds. The annual uncertainty around Amtrak funding not only makes operational planning for Amtrak difficult, but also leaves thousands of American railroaders with enormous question marks around what future they will have in the industry. For truck drivers, traffic congestion fueled by years of delayed highway construction and improvement projects, weight limits on deteriorating bridges that necessitate re-routings, and the general condition of some highways that cause road closures and detours all put truck drivers behind the wheel longer than they need to be and in a "pressure cooker" environment of stop and go traffic. Traffic jams alone cost the U.S. \$87 billion in lost productivity in 2018 according to data analyzed by the research firm INRIX. Our hope is that this Administration can return to the table and partner with Congress to move forward on rebuilding America's highways, railroads, bridges, ports, and other much needed infrastructure projects.

## **Globalization/Trade/Cross-Border Operations**

Globalization and international trade agreements have opened new challenges for the American worker, including truck drivers. Ever since the North American Free Trade Agreement (NAFTA) entered into force in 1994, the Teamsters Union has fought to ensure that highway safety is paramount in implementing the NAFTA provision that permitted Mexican domiciled carriers to

perform long haul trucking operations beyond the commercial border zones. The renegotiation of NAFTA allowed the Teamsters Union to work with the U.S. Trade Representative to ensure that the foreign trucks and drivers delivering goods into the United States will continue to be required to meet all motor carrier and driver safety laws. The USMCA also afforded us an opportunity to establish a framework to ensure that good paying American trucking jobs are not supplanted by lower-paid foreign drivers. Specifically, the USMCA provides trucking industry stakeholders an opportunity to petition the International Trade Commission (ITC) and seek remedial action if it is determined that U.S. carriers and/or drivers have suffered material harm as a result of long-haul cross-border trucking. A survey by DOT of operating authority for Mexico-domiciled carriers currently permitted to enter the U.S. beyond the border commercial zone is currently underway as mandated under USMCA implementing legislation (PL-116-113, Title III, Section 327). Additionally, under USMCA, the DOT Inspector General is required to “review the procedures and actions taken by the Secretary to determine whether each Mexico-domiciled motor carrier with any U.S. operating authority...is in compliance with applicable Federal motor carrier safety laws and regulations.” (Statement of Administrative Action accompanying PL 116-113).

One issue related to cross-border trucking not addressed by the USMCA cross-border trucking provisions is the use of drivers admitted to the United States under temporary business visas. Section 4307 (H.R. 2, 116<sup>th</sup> Congress) requires the DOT Inspector General to report on the prevalence of these operations, including the country of domicile of the carriers, the demographics of the drivers and their contractual relationship with those motor carriers. It also requires a closer look at point-to-point transportation in the U.S. (cabotage) and possible violations of that law by foreign drivers. While monitored by Customs and Border Patrol (CBP), the Teamsters, through an investigation by EMPOWER, a Mexico City-based research firm, who conducted numerous

interviews with Mexico-domiciled drivers have found evidence of drivers being transported across the U.S. border, then assigned a tractor trailer and performing point-to-point delivery in the U.S., a clear violation of cabotage laws.

This is despite the fact that U.S. Customs and Border Protection (CBP) holds workshops with major B-1 employers about expedited border crossing programs and U.S. cabotage law. The Teamsters strongly support an investigation by the Inspector General to more closely examine these types of operations.

The issues regarding cross-border operations permeates not just the trucking industry, but rail operations as well. The history of rail cross-border operations truly is a tale of two borders. To the north, there was international representation of operating employees and maintenance of way employees by the two unions that comprise the Teamsters Rail Conference, which dates back to 1870. Except when a rogue carrier on either side of the border attempts to exceed its contractual authority, operations between the United States and Canada generally are quite stable, with crew changes occurring at the border or in rail yards immediately adjacent to the border.

It is a far different story on our southern border, where typically the yards are located beyond the border city. Cross-border trains block vehicular traffic in these cities for lengthy periods of time, while they travel through Customs and Border Protection scanners, and this problem has become significantly worse because of the excessively long trains the railroads insist on operating. Mexican law prohibits anyone who is not a Mexican national from performing any railroad work within that country's borders, making an operation similar to that on the northern border impossible. Rail carriers are using every trick in the book to use much lower paid Mexican crews to operate inside the U.S., to the point that the last Federal Railroad Administrator essentially stopped enforcing the locomotive engineer certification regulations required by Congress at the

southern border. We would be happy to provide detailed information on this subject if the Subcommittee is interested.

### **Coercion/Harassment**

Similar to the evasion of regulatory requirements going on at the border for rail crews, motor carriers are increasingly exerting enormous pressure on drivers to be more productive even if it means violating various motor carrier safety regulations. For example, the Union is involved in a case where a driver/member reported that the cargo he was transporting via truck was loaded with melons on the bottom of pallets and improperly secured and consequently shifted while en-route. It should be noted that the driver was unable to thoroughly inspect the load prior to leaving the terminal because the truck was fully loaded when he picked it up. After reporting that the load had shifted and he could not safely deliver the cargo, he was instructed by management to unload the truck on the roadside, organize the cargo, reload the truck, and continue on his route. When he advised management that he could not safely perform these job tasks as he did not have load securing equipment (load bars – the ones that he had were damaged as a result of the shifting freight; no straps and shrink wrap) and to do so on the roadside would place him in danger. He would have also been at significant risk of work-related injury, having to climb up and down a small set of stairs to enter and exit the trailer while carrying cargo. This is a union shop where in addition to regulations and company policies that preclude the drivers from performing such dangerous work, there is language in the collective bargaining agreement that empowers the drivers to refuse to perform dangerous and illegal work. Yet, this driver was summarily terminated when he returned a short distance to the terminal for assistance. Although we anticipate being able

to get this driver reinstated at his job, this practice not only adversely affected him, it sends a chilling message to other drivers who are aware of this situation.

### **Hours of Service/Driver's Health**

The Teamsters Union continues to be concerned about the numerous exemptions to Hours-of-Service (HOS) regulations that are granted by FMCSA through petitions and those special interest exemptions legislated by Congress. We are also concerned about FMCSA's recent issuance of two pilot programs – one allowing for under-21 CDL holders to travel in interstate commerce and the other providing for a split duty period, permitting CMV drivers to pause their 14-hour on-duty period (driving window) with one off-duty period of no less than 30 minutes and no more than three hours. The under-21 pilot was initiated prior to the completion of the pilot program permitting those with requisite military training. Section 5404 of the Fixing America's Surface Transportation (FAST) Act required FMCSA to conduct research on drivers who are 18-20 years of age, are members of the armed forces or reserve components, and who are qualified in a military occupational specialty or rating to operate a CMV or similar vehicle. Not only did FMCSA not wait until this pilot was completed so a comparison could be made with drivers in a control group comprised of drivers 21-24 to determine if age was a critical safety factor, but the agency initiated another pilot program for under-21 CDL drivers. The split duty period pilot program will do nothing but extend an already long exhausting workday for drivers who are already fighting fatigue. Numerous studies have shown that "time on task" is a relevant factor in fatigue-related crashes. The Federal Register notice itself states that the "pilot program seeks to gather statistically reliable evidence whether decisions concerning the timing of such flexibility can be aligned with employers', shippers', and receivers' scheduling preferences to optimize



productivity while ensuring safety performance...”. It’s clear that this rulemaking is all about the “bottom line” and nothing about a driver facing a 17-hour workday! These two pilot programs, issued at the end of the last Administration, should be rescinded, and it is why we support a provision in H.R. 2 (116<sup>th</sup> Congress) that would have paused the final rule published on June 1, 2020, titled “Hours of Service of Drivers” (85 Fed. Reg. 33396) until a comprehensive review of hours of service rules and the safety and driver impacts of waivers, exemptions, and other allowances that limit the applicability of such rules. This provision would further require a peer review, publication in the Federal Register and a period for public comment and a Report to Congress. Unfortunately, the final rule was issued and is now in effect. But the process for examining the numerous waivers, exemptions and other allowances is necessary and should move forward.

With regard to the final HOS Rule published on June 1, 2020, the Teamsters have joined other safety advocates in bringing legal action against DOT to reverse these latest changes in the HOS regulations. The most egregious of these is the revision to the Short Haul Provision for Commercial Driver’s License qualified drivers from a 12-hour workday to 14 hours. The IBT has found that the proposed extension of the 12-hour exception to 14-hours results in short-haul drivers spending additional time loading trailers, staging freight, and making more deliveries. As a result, these drivers will continue to experience an increase in the incidence of occupational injuries and illnesses. Consequently, motor carriers will experience higher worker compensation costs and may experience an increase in the costs associated with fatigue-related crashes.

The trucking industry already ranks among the industries having the highest occupational illness and injury rates in the United States and the worker’s compensation costs to motor carriers are tremendous. According to Bureau of Labor Statistics (BLS) data for 2017, the non-fatal

occupational incidence rate for truck transportation, nationally, was 4.2 injuries per 100 workers as compared to 2.8 injuries per 100 workers for private industry.<sup>1</sup> Several studies show that the majority of work-related injuries occurring among truck drivers result from non-driving work activities.<sup>2</sup> When researchers further investigated these findings they found that the types of injuries experienced by truck drivers varied by industry sector but were generally associated with falling from heights, trips, slips, falls, and overexertion due to manual materials handling.

Drivers who are involved in short-haul operations experienced occupational injuries primarily while performing three activities: “(1) Operating the truck; (2) lifting/cranking; and (3) maneuvering into/out of truck cab.”<sup>3</sup> Chandler, et. al., in further describing the injuries indicated that incidents that occurred while operating the truck, included losing control of the truck, being struck from behind by another vehicle, and musculoskeletal injuries associated with extended routine driving. With respect to lifting/cranking related injuries, the researchers found that drivers were injured while manually handling cargo, connecting dollies, and lifting/adjusting ramps to the trailers. Researchers also reported that drivers experienced injuries due to trips, slips, and falls as they entered or exited the truck cab and trailer.

Commercial drivers, including short-haul drivers, disproportionately experience musculoskeletal injuries and illnesses. The National Institute for Occupational Safety and Health (NIOSH) conducted a review of over forty studies that investigated the relationship between low-back pain/disorders and determined that there is strong evidence that correlates physical workplace factors such as heavy physical work, lifting, bending and twisting, whole body vibration (WBV),

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<sup>1</sup> Bureau of Labor Statistics, 2018.

<sup>2</sup> Friswell, Williamson, Accident Analysis and Prevention, 2010 Nov; 42(6): 2068-74.

<sup>3</sup> Chandler, M., Bunn, T.L., Slavova, S., International Journal of Injury Control and Safety Promotion, 2017, Vol. 24, No. 1, 120-130.

and static work postures with low back pain/disorders.<sup>4</sup> All of these contributing factors to low-back pain/disorders are present in commercial driving, particularly in short-haul operations. This is critical when one considers that according to the American Industrial Hygiene Association (AIHA) a survey conducted by the organization in 2003, MSDs costs the trucking industry approximately \$4 billion dollars each year.<sup>5</sup> The Bureau of Labor Statistics reported that workers in truck transportation experienced work-related musculoskeletal disorders at a rate of 62.3/10,000 workers as compared to 28.6/10,000 for private industry.<sup>6</sup>

Short-haul drivers will experience increased fatigue as a result of having to work an extended number of hours and concurrently experience more fatigue-related occupational injuries and crashes. The National Institute for Occupational Safety and Health (NIOSH) published a report that summarized over 50 studies that investigated the impact that long working hours have on illnesses, injuries, health behaviors, and job performance.<sup>7</sup> Studies showed that workers who worked long shifts, i.e., 12 or more hours, each day and more than 40 hours per week experienced an increase in occupational injuries and “a pattern of deteriorating performance on psychophysiological tests.”<sup>8</sup> This is of significant concern when considering the fact that short-haul commercial drivers perform safety-sensitive job functions such as operating large trucks in oftentimes congested areas that are shared with passenger vehicles and pedestrians.

In 1996, NIOSH conducted an ergonomic study for drivers in the soft beverage delivery industry during which the researchers evaluated drivers over a four-month period.<sup>9</sup> Researchers

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<sup>4</sup> <https://www.cdc.gov/niosh/docs/97-141/pdfs/97-141.pdf?id=10.26616/NIOSH PUB97141>

<sup>5</sup> American Industrial Hygiene Association, 2003, “American Industrial Hygiene Association position statement on ergonomics [online]. Available from: [http://www.aiha.org/1documents/Government Affairs/P-ergonomics 091403.pdf](http://www.aiha.org/1documents/Government%20Affairs/P-ergonomics%20091403.pdf)

<sup>6</sup> Bureau of Labor Statistics, 2018.

<sup>7</sup> <https://www.cdc.gov/niosh/docs/2004-143/pdfs/2004-143.pdf>

<sup>8</sup> Ibid, p. 27

<sup>9</sup> <https://www.cdc.gov/niosh/docs/96-109/pdfs/96-109.pdf?id=10.26616/NIOSH PUB96109>

found that drivers had to routinely lift products that exceeded the recommended weight limit per the NIOSH Lifting Criteria.<sup>10</sup> In addition, researcher collected data on the driver's heart rates to estimate metabolic output and determined that such drivers worked in a job that required a high level of energy. Drivers in this physically demanding job also experienced twice as many lost workdays when compared to workers in general manufacturing jobs. Although the study was conducted over twenty years ago, members of the Teamsters Union who have high tenure in the industry reported that not much has changed and that the changes that have occurred are generally not an improvement. For example, these drivers reported that traffic conditions are much worse; parking for large vehicles is more limited; they continue to have to manually deliver large quantities of heavy products such as cases and kegs while negotiating stairs, curbs, ramps, narrow entrances and exits to buildings, and having to perform these job tasks in inclement weather (heat, cold, ice). These external factors which directly contribute to the difficulty of a driver's workday cannot be ignored.

The current Hours of Service Regulation for non-CDL qualified commercial drivers who use the short-haul exception are allowed to work 14 hours each day, extend the workday to 16 hours two times each week and drive up to 11 hours each day. According to BLS data these drivers have a higher rate of injury and severity of injury (based on the number of lost workdays per injury) than other commercial drivers, i.e., non-CDL drivers who do not use the Short-Haul provision and CDL qualified drivers. It should be noted that CDL qualified drivers operate larger trucks that are able to carry more freight that is larger and heavier than what is typically transported and delivered by non-CDL drivers. Therefore, one can reasonably expect injury rates to increase among CDL qualified short-haul drivers if the number of hours that they are permitted to work increases.

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<sup>10</sup> <https://www.cdc.gov/niosh/docs/94-110/pdfs/94-110.pdf>

The Massachusetts Department of Public Health released a report<sup>11</sup> concerning the misuse of opioids among workers who are employed in industries, such as trucking, that has a high rate of occupational injuries. Drivers are very concerned about their risk of suffering a work-related injury, being prescribed pain killers such as opioids, and the possibility that the use of such drugs could result in not only adverse health outcomes, but also the chance of becoming medically disqualified to operate commercial motor vehicles. The Teamsters will oppose any efforts to expand the short-haul exemption for CDL-qualified drivers through legislative or regulatory actions.

As a part of their final rule amending the Hours of Service Regulations, FMCSA also revised the definition of “rest break” to include all time not actually operating a CMV as “rest”. Prior to the new HOS regulations, a driver had to take a 30-minute rest break after 8 hours on duty. The new regulations mandate the break after they have driven for a period of 8 cumulative hours without at least a 30-minute interruption. In addition, the 30-minute rest period doesn’t even require the driver to actually rest. Under the rule change, drivers are permitted to take their break as “on-duty/not driving, meaning the driver could be loading or unloading cargo, refueling their truck, interfacing with a customer, or filling out paperwork, all while technically “on break”. So long as the driver is not behind the wheel driving, he can do any type of physically demanding labor and have it considered as “rest” under the rule. The 30-minute rest break is the only rest period guaranteed to drivers under Federal law and is a crucial tool for mitigating fatigue. The Teamsters will continue to fight to have it restored as a true rest period.

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<sup>11</sup> <https://www.mass.gov/news/department-of-public-health-taking-steps-to-keep-job-related-injuries-from-leading-to-opioid>

## **Recruiting/Retaining Drivers/Young Drivers**

Motor carrier employers face significant challenges recruiting and hiring qualified drivers. Increasingly long work hours, difficult work, the need for a clean driving record, and a drug/alcohol testing record that is free from positive results, create significant hiring challenges for motor carriers. As a result of increases in the demand for goods, the Bureau of Labor Statistics (BLS) projects that between 2016 and 2026, there will be a need for 108,400 additional drivers in heavy truck transportation.<sup>12</sup> It should be noted as an aging driver workforce retires from the industry, there will be an even greater need for qualified drivers. According to 2018 data from the BLS over 21% of the current driver population will reach 65 years of age in the next ten years, with over 46% reaching 65 within next 20 years.<sup>13</sup>

There are some in the trucking industry who view lowering the minimum driving age for commercial drivers to 18 as one solution to the increasing demand for qualified drivers. As noted above, the Teamsters Union is particularly concerned about this issue as it should be noted that there is significant evidence which indicates that young drivers are more likely to be involved in crashes. This issue is even more concerning when one considers that absence of any comprehensive driver training regulation for entry-level commercial drivers. Several years ago, at the behest of the FMCSA, the Teamsters Union and over twenty other stakeholders participated in a “negotiated” rulemaking process to draft a rule for entry-level driver training. After several weeks of hard work, the negotiating committee reached consensus and provided the FMCSA with a draft rule. The Agency has yet to move forward on promulgating a Final Rule. The Union

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<sup>12</sup> <https://www.bls.gov/ooh/transportation-and-material-moving/heavy-and-tractor-trailer-truck-drivers.htm>

<sup>13</sup> Ibid.

strongly believes that the Agency should not even consider revisions to any of the CDL requirements until such a rule is finalized.

Another issue that affects retention is driver compensation. Teamster Union drivers are among the highest paid in the industry, with good health benefits and pensions, as well as a direct voice on the job allowing them to address operational and disciplinary concerns through a transparent, collectively bargained process. That is why the retention rate is much higher among unionized truck drivers than their non-union counterparts. Our National Master Freight Agreement also addresses the issue of detention time – that period of time where a driver is kept waiting for his truck to be loaded or unloaded. Under that Agreement, the Teamster Union drivers are paid for this time that they are waiting, which is why the practice is not prevalent in our sector of the industry. Paying drivers for wasting their valuable on-duty time gives motor carriers and shippers an incentive to have a load ready when a driver arrives at the loading dock. It also prevents drivers from being frantic to try and make up for lost time and possibly violating safety regulations in the process. Congress should take the necessary steps to mandate that drivers be paid for this detention time. That is why we support provisions in H.R. 2 (116<sup>th</sup> Congress) that require the Secretary to initiate a rulemaking establishing limits on the time that a CMV operator may be reasonably detained before loading or unloading occurs, if that operator is not compensated for the time detained.

### **Truck Size and Weight**

Certain industry stakeholders continue to call for increases in truck size and weight. Whether it's increasing the weight limit on federal highways to 90,000 lbs. or expanding the use of the twin 33' trailer configuration, the Teamsters Union opposes any increase in the current

Federal weight limits for trucks or any increase in the current size of double trailers traveling on the National Highway System. Our Interstates and other major highways are in serious disrepair and half of our bridges are more than 40 years old with one in four being structurally deficient or functionally obsolete. Increasing truck size and length will put further stress on an already deteriorating infrastructure system. While a properly deployed 6<sup>th</sup> axle can mitigate weight increases on road surfaces, the same cannot be done on bridges. In addition, our highways are not designed for longer combination vehicles. Our merge lanes and entrance and exit ramps are not designed for eighty-four feet long vehicles. Longer and heavier trucks take more time to get up to speed and require greater stopping distances. From a driver's perspective, our roadways are already congested like never-before. Reaction times are pushed to the limit as drivers attempt to maneuver big rigs around slowed-down vehicles and avoid quickly changing lanes in a maneuver that could put themselves and other drivers at risk. The claim that increasing truck lengths and weights will result in fewer trucks on the road is unfounded. Historically, each time increases have occurred truck traffic has grown as shippers take advantage of cheaper rates and divert freight from rail to highways. Currently, 39 states prohibit twin 33-foot trailers on their highways, and there is no justification to allow them to operate on our interstate highways.

According to FMCSA's *Large Truck and Bus Crash Facts*, "the number of large trucks involved in fatal crashes increased 10 percent from 4,251 to 4,657, and the large truck involvement rate (large trucks involved in fatal crashes per 100 million miles traveled by large trucks) increased 6 percent, from 1.48 to 1.56." Deaths from large truck crashes reached their highest level in 29 years in 2017, according to National Highway Traffic Safety Administration data. Fatalities from big truck crashes rose even though the overall traffic fatality rate declined. Large truck fatalities rose 9 percent to 4,761, an increase of 392 lives lost over the prior year. Congressionally-approved



exemptions to weight and length limits based on a specific section of highway or a specific industry should be rejected. Piecemeal approaches undermine federal transportation policy and further jeopardizes safety on our nation's highways.

### **Safety-Assist Technology and Autonomous Vehicles**

Autonomous vehicles have the potential to reshape the entire transportation industry, not just the trucking industry. While some of this technology holds the potential to improve truck safety and efficiency in the short term, the threat of self-driving trucks replacing, or degrading millions of truck driver jobs has many of our members on edge. We believe that the trucking industry will have the need for skilled drivers for decades to come. But some of that relies on this committee making sure the industry isn't forced into a self-destructive, and self-reinforcing race towards unsafe and job-killing automation without the proper protections in place.

As this hearing examines ways to strengthen our supply chains and competitiveness, the common refrain from industry that automating sectors of our supply chain could somehow strengthen our competitiveness deserves a closer review. Drivers feel like disposable cogs in a machine when some members of this body talk gleefully about the prospects of automating away their jobs. What's worse, many drivers' only interaction with lower levels of automation have actually deepened their mistrust of new technologies. Our members have reported dangerous malfunctions of automatic braking systems that are in their trucks right now. These systems are supposed to make a driver's life easier, and we would gladly support them if they did. But drivers tell us stories of these systems often detecting snow or an oncoming overpass as an obstacle, and mistakenly slamming on the brakes without any warning. The driver is then the only thing stopping the truck from jack knifing or skidding off the road. Imagine surviving that incident and then having to show up to work the next day and drive a truck with the exact same technology on

board? No one should have to feel like they are taking their life into their own hands just by showing up for their job. That is why the Teamsters have insisted that a Federal Motor Vehicle Safety Standard be created to establish performance requirements for the system itself and the software that it operates. Section 4404 (HR 2, 116<sup>th</sup> Congress) directs NHTSA to promulgate a rule for automatic emergency braking systems, and requires consultation with drivers regarding their experiences as a part of that process. We strongly support these safeguards. Congress must bring a healthy dose of skepticism whenever it is approached with a piece of automation technology that is being touted as improving safety or one that will make a driver's life easier. It may not live up to closer scrutiny.

Another emerging issue with automated vehicles is the lack of uniform reporting around automated commercial vehicle testing and deployment. While some states like California have implemented laws and regulations addressing the disclosure of some elements of operation involving automated trucks, others have not. It is in the direct interest of public safety that people know where testing, demonstrations and commercial operations are being conducted. Section 5311 of HR2 (116<sup>th</sup> Congress) is a step in the right direction. It would require the Secretary to establish a repository for motor carriers to submit information on operations of automated commercial vehicles. The Teamsters have been working with the self-driving industry to fine-tune those provisions so that the data required by motor carriers is not overly burdensome for industry, while still providing the necessary information to identify the company, the type and weight class of the vehicles being operated, the level of automation being used, safety protocols in place, including fatigue plans, training or certifications provided to drivers, and most importantly, through rulemaking; requiring motor carriers to report malfunctions, collisions, bodily injuries, and property damage, and make that information available on a public website. Road users,

especially other truck operators, should have the right to know if they are sharing a road where commercial AVs are prevalent. We strongly support these reporting requirements as a necessary step to ensure the safe operation of these vehicles on our highways.

Finally, the impact automation will have on truck drivers will not only come from self-driving trucks. Self-driving cars and delivery bots are already taking work currently done by truck drivers. A major Teamster employer is in the process of testing self-driving minivans to haul packages on a route currently driven by Teamster trucks. Nuro, a company focused on last-mile deliveries using a self-driving bot about half the size of a car is aiming to upend the work currently done by food grocery delivery drivers who currently haul the same loads in larger vehicles. The safety, performance, and impacts on workers by smaller AVs must be a core consideration as Congress contemplates any legislation to incentivize or pave the way for widespread adoption of commercial autonomous vehicles, regardless of their size.

### **Small Commercial Vehicle Study**

The Teamsters support the study of the operation of small commercial vehicles utilized in package delivery as required in Section 4104 (HR 2, 116<sup>th</sup> Congress). These vehicles with a gross vehicle weight rating of below 10,000 are increasingly used for “last mile” delivery, especially as e-commerce has exploded, and even more so during the pandemic. They are not regulated by FMCSA in any capacity, and there is little if any data relating to their safety performance as their numbers exponentially increase. In addition, there are increasing complaints by drivers of these vehicles being pushed beyond reasonable work schedules and delivery demands. It is not uncommon to see these vans “stacked to the brim” with packages, often overflowing into the driver compartment and even on dashboards obstructing the windshield view of the driver. Unreasonable

numbers of packages to be delivered during a work shift can potentially cause the driver to speed and or drive recklessly, creating an unsafe environment for those who not only share the road but for pedestrians as well. The study, which will collect information from both direct and contracted carriers, will evaluate such things as fleet structure and miles traveled, scheduling of deliveries and maintenance practices, driver compensation, training, and hours-on-duty, and safety performance including crash rates, moving violations inspections and other safety factors. This burgeoning segment of the package delivery industry should not operate outside the realm of safety.

### **Problems with Truck Leasing Arrangements**

The Teamsters Union has long called for an examination of exploitative truck leasing arrangements, especially in the ports, where the union represents drayage drivers. In fact, the Teamsters arranged to have port drivers testify at a House Transportation and Infrastructure hearing several years ago which examined the abhorrent working conditions and exploitative leasing practices prevalent in the ports. Drivers testified to being charged by their company each night to park the company's leased vehicle in the company's own lot. They also reported the double-leasing of a single truck to more than one driver, paycheck stubs that showed drivers owing the company more money than they earned at the end a pay period because of the numerous "charges and deductions" made by the leasing company, and other abuses and shortfalls which the current system has allowed to occur over and over again. We strongly support provisions contained in Section 4305 of HR 2 (116<sup>th</sup> Congress) which establishes a Truck Leasing Task Force to examine predatory leasing agreements in the trucking industry and recommendations on changes to statutes or regulations that will address abuses impacting commercial motor vehicle

drivers. This is long overdue in holding accountable those that would take advantage of driver who many not fully understand the “fine print” of a leasing agreement.

### **Hair Testing**

In September of 2020, the Department of Health and Human Services (HHS) proposed guidelines for the use of hair samples as a method for drug testing federal employees and safety-sensitive employees in federally regulated industries, including commercial motor vehicle operators. The Teamsters oppose this method of testing for several reasons. Hair testing is unreliable and inherently unfair; variations in hair texture and even length can impact test results, and false positives can occur because of absorption into the hair from second-hand smoke, external contaminants, and other environmental elements. While some motor carriers use hair testing to detect drug use for pre-employment testing at their own expense, hair testing should not be used in place of urinalysis testing for random testing purposes, reasonable suspicion/cause, post-accident, return-to-duty, or follow-up testing purposes until such time as the HHS is able to scientifically determine the accuracy of testing and account for the various differentiating elements like hair color, thickness, absorption rates, hair receptivity in relation to its location on the body and other factors.

### **Financial Responsibility for Motor Carriers**

The Teamsters Union supports provisions in Section 4408 (HR 2, 116<sup>th</sup> Congress) which calls for updating the required amount of insurance for commercial motor vehicles from the current amount of \$750,000. The amount of required insurance coverage has not changed since 1980. Since that time, the cost of living has increased over 200%. Medical costs have skyrocketed and with people

living much longer, the revised value of statistical life elements has increased significantly. Even vehicle values and other property that might be damaged or destroyed have risen to a point that the current coverage would not begin to cover the costs of a serious accident.

Mr. Chairman, thank you for the opportunity to testify before the subcommittee today and I look forward to answering your questions.