

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

Full Committee
Nominations Hearing
Wednesday, July 16, 2025, at 10:00 A.M.

DEMOCRATIC QUESTIONS FOR THE RECORD

Mr. Derek Barrs

COVER PAGE

SENATOR MARIA CANTWELL (D-WA)

Federal Workforce Staffing Cuts

In May, DOT paused its planned reductions in force due to ongoing litigation. On July 8, the Supreme Court allowed the Administration to move forward with widespread firings. There is now uncertainty about what actions DOT plans to take. Meanwhile, 13.7 percent of Federal Motor Carrier Safety Administration (FMCSA) employees have already left the agency through the deferred resignation program.

Question 1: Yes or No: Do you oppose a reduction-in-force at FMCSA, particularly when the agency has already lost nearly 14 percent of its workforce?

Answer: I support Secretary Duffy and President Trump and will ensure that safety continues to be priority number 1.

Question 2: Are you concerned that widespread departures may be contributing to the decline in enforcement of commercial motor vehicle safety laws?

Answer: It is my understanding that critical safety positions are exempt and not eligible to participate in the deferred resignation program.

Autonomous Vehicle Safety and AI Moratorium

Mr. Barrs, some of my colleagues have proposed prohibiting state and local governments from regulating AI. This would include prohibiting states from imposing safety and reporting requirements on autonomous vehicles.

Question 1: Are you aware of any federal requirements to ensure the safe operation of autonomous trucks?

Answer: While a comprehensive federal regulatory framework for autonomous trucks has not been released, FMCSA may exercise its existing authority to ensure their safe operation. A motor carrier operating in interstate commerce may not operate an autonomous truck unless it complies with all current operational requirements and standards for parts and accessories as prescribed by the Federal Motor Carriers Safety Regulations (FMCSRs). FMCSA retains full enforcement authority and can place a vehicle out of service if an automated system creates an "imminent hazard." Furthermore, any equipment installed that decreases the safety of operation can subject the motor carrier to additional enforcement action. If a company cannot fully comply with existing regulations, it must seek an exemption by demonstrating a likely equivalent to or greater level of safety.

Question 2: If the federal government does not have any safety requirements, do you think it make sense to prohibit states like Florida from ensuring autonomous trucks are safe to operate on public roads?

Answer: Uniformity across our nation's roadways – particular with interstate commerce – ensures there isn't a patchwork of different rules and regulations that would deter truck drivers from focusing on their day to day operations of safely moving freight.

Fatigue and Truck Accidents

There were 54 fatal accidents with large trucks in Washington State last year, and 1,200 more accidents that resulted in injuries. The NTSB has frequently cited fatigue as a significant factor in fatal truck crashes. To ensure that truck and bus drivers are getting the rest they need, drivers must comply with hours-of-service requirements.

However, in President Trump's first term DOT created a loophole to allow truck drivers to continue driving a loaded truck as long as it was for a personal reason known as personal convenience. The Commercial Motor Vehicle Safety Alliance found that about 40 percent of drivers were misusing this flexibility, and those drivers were four times as likely to be in a crash.

Question 1: Yes or No: If confirmed, would you work to close this loophole?

Answer: There is no question that fatigued driving is a direct threat to public safety. No driver should ever operate a commercial motor vehicle when their alertness is impaired to a degree that would prevent the safe operation of that vehicle. The Hours-of-Service regulations are a cornerstone of FMCSA's efforts to combat fatigue.

Commercial motor vehicle drivers operating in interstate commerce must comply with the FMCSRs. Any operation of a commercial motor vehicle outside the limits of these safety regulations is unacceptable and should be subject to appropriate enforcement action. If confirmed, I will ensure the Agency's rulemakings are data driven to improve the safety on our nation's roadways.

Reconciliation Bill and Overtime for Truck Drivers

President Trump has touted his recent tax bill as the largest tax cut in history for middle- and working-class Americans." One key provision is intended to eliminate taxes on overtime for workers. There are 3.5 million truck drivers employed in this country, including 34,500 truck drivers in the State of Washington. Truck drivers are exempted from receiving overtime under the Fair Labor Standards Act of 1938. We hear from the Trucking Industry frequently about the driver shortage.

Question 1: Do you think that preventing truck drivers from receiving a tax exemption on overtime payments will help or hurt the trucking industry's ability to recruit new drivers?

Answer: The millions of truck drivers in this country are the backbone of our economy and absolutely critical to the strength of our supply chain. They deserve to be treated with dignity and respect for the difficult and essential work they perform every day. Addressing challenges like driver recruitment and retention is vital for our nation's economic prosperity.

Questions of overtime pay and tax policy are important ones and impact the lives of drivers. However, the laws and regulations governing overtime for truck drivers are rooted in the Fair Labor Standards Act, which is administered by the Department of Labor, and tax policy is determined by Congress. The mission of FMCSA is focused solely on safety. My commitment, if confirmed, is to lead FMCSA with a laser focus on that safety mission.

Driver Training

Currently federal entry level driver training requirements do not require truck drivers to spend a certain number of hours training behind the wheel of a truck. However, in a negotiated rulemaking a broad coalition of trucking companies, drivers, and safety groups agreed that it would be appropriate for drivers to receive at least 30 hours of behind the wheel training.

Question 2: Do you think the Entry Level Driver Training requirements need to be reviewed to require some amount of behind-the-wheel training?

Answer: Proficiency behind the wheel is the ultimate goal of the entry level driving training. We must be confident that when a driver gets behind the wheel of a large truck the driver is trained and ready to operate safely on America's roadways. If confirmed, ensuring that only the safest drivers are behind the wheel of a commercial vehicle will continue to be among the Agency's top priority.

Under 21-Year-Old Truck Drivers

According to the American Trucking Associations (ATA), the industry is facing a shortage of 60,000 truck drivers. However, truck drivers under the age of 21 are not permitted in interstate commerce, despite being able to drive in intrastate commerce in most states.

Question 1: Do you believe that allowing 18-year-olds to drive in interstate commerce is a good solution to address ATA's concerns about a trucking shortage.

Answer: As a former law enforcement officer and a member of the Florida Trucking Association, with decades of experience in public safety, my priority has been and will continue to be the safety of both drivers and the traveling public, as well as the efficient delivery of our nation's freight. Ensuring that only the safest drivers are behind the wheel of a commercial vehicle will continue to be among the Agency's top priority. The Safe Driver Apprenticeship Program (SDAP) is set to expire in November. The data needs to be examined and a report will be promptly sent before Congress. If confirmed, I will work with the Secretary, as well as Congress, to explore the next steps necessary to set up the future generation of truck drivers for success.

Lease to Own Agreements

The Bipartisan Infrastructure Law created a task force to study predatory lease to purchase agreements for truck drivers. The task force, made up of a broad group including carriers, owner-operators, lessors, attorneys, and economists recommended that these lease to purchase agreements be banned.

Question 1: Do you agree these agreements should be banned?

Answer: If confirmed, I will work with the industry to ensure safety is the top priority when operating a commercial motor vehicle business.

Questions 2: What steps will you take at FMCSA to address the recommendations in this report?

Answer: If confirmed, I will work with the industry to ensure safety is the top priority when operating a commercial motor vehicle business.

Universal Identifiers

The Commercial Vehicle Safety Alliance, which represents many state commercial vehicle enforcement organizations, has recommended that FMCSA require universal identifiers on all trucks to improve enforcement efficiency. However, some truck drivers have raised privacy concerns with the technology.

Question 1: Do you think that universal identifiers are beneficial to truck safety enforcement?

Answer: I served as the chairman of the Commercial Vehicle Safety Alliance's Enforcement and Industry Modernization Committee and President of the Transportation Industry membership. There, I helped advance initiatives in connected and automated vehicle technologies, data sharing, and cross-jurisdictional collaboration. If confirmed, I will work with industry and stakeholders to progress technologies and improve safety.

Question 2: What actions regarding universal identifiers would you take at FMCSA?

Answer: If confirmed, I will work with industry to create collaborative ways to improve safety.

SENATOR ED MARKEY (D-MA)

Automatic Emergency Braking

The Bipartisan Infrastructure Law required DOT to issue a final rule to require Automatic Emergency Braking (AEB) on all newly manufactured large trucks by November 2023. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks every year. This critical standard is nearly 2 years overdue.

Question 1: Do you commit to expedite the completion of the final AEB rule? When is your target date to issue the final rule?

Answer: Safety on America's roadways is critical and vehicle technology can play an important role. If confirmed, I will review this rulemaking for alignment with the Department and Administration priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

Quarterly Motor Carrier Safety Progress Report

Question 1: Do you commit to ensuring Quarterly Motor Carrier Safety Progress Reports are transparently published in a timely manner?

Answer: If confirmed, I will commit to ensuring all reports are published in a timely manner.

Truck Underrides

The FMCSA report on side underride guards published in 2020 excluded any data on the number of pedestrians, cyclists, and motorcyclists that would be saved by the device. Subsequently, NHTSA did not account for these lives in its cost-benefit analysis in the 2023 ANPRM. This means the lives of at least two of my constituents – Minh-Thi Nguyen and Sidney Olson – were not accounted for in the benefits of a safety regulation that could have saved their lives. In April,

the FMCSA denied a petition by the Insurance Institute for Highway Safety to correct its report and include lives saved of pedestrians, cyclists, and motorcyclists.

Question 1: Do you commit to reverse this decision and ensure the lives of my constituents are included in the FMCSA's report on the benefits of side underride guards?

Answer: If confirmed, I commit to connect with you and your staff to further discuss, as well as engage with my colleagues at NHTSA. Underrides and all federal motor vehicle safety standards are under the purview of NHTSA, not FMCSA.

Staffing Cuts

According to recent reporting by [Politico](#), 13.7 percent of FMCSA's employees took the Delayed Resignation Program offer.

Question 1: At an agency whose chief mission is safety, do you support these drastic cuts to FMCSA's workforce?

Answer: I support Secretary Duffy and President Trump and will ensure that safety continues to be priority number 1. If confirmed, I commit to carrying out FMCSA's mission to reduce crashes, injuries, and fatalities involving large trucks and buses.

Question 2: What actions will you take to ensure FMCSA has the staff it needs to deliver on its safety mission?

Answer: It is my understanding that critical safety positions are exempt and not eligible to participate in the deferred resignation program.

SENATOR GARY PETERS (D-MI)

1. The impact of heavier and longer trucks on our roads has been an ongoing concern I've heard from trucking, labor, and law enforcement. As the cost of replacing aging infrastructure continues to rise and accidents involving larger trucks climb, will you commit to working with a diverse industry stakeholder group when considering any changes to federal weight and length limits for trucks?

Answer: If confirmed, I will talk with all stakeholders who are willing to discuss safety matters. Specific to size and weight, that falls outside of the purview of FMCSA, but I am happy to work with Congress, stakeholders, and FHWA on considering any changes to federal weight and length limits for trucks.

2. One of the most persistent and dangerous challenges in the freight sector is the national shortage of safe and available truck parking. When drivers are unable to find parking, they are forced to make unsafe choices—such as parking on highway shoulders or in unsecure locations—which puts both them and other road users at risk. New technologies that leverage real-time data sharing and predictive intelligence could offer solutions to

help fleet managers and drivers locate available parking, and help state DOTs better plan where to best locate new parking capacity. If confirmed, how will you work to advance safe and adequate truck parking nationwide, and will you include the use of innovative technologies in addressing this challenge?

Answer: Having adequate and safe truck parking is one of the most significant safety issues facing the industry. I applaud Secretary Duffy for his hard work on prioritizing safe truck parking and if confirmed, I will continue to work with the Secretary, Congress, and FHWA to advance safe and adequate truck parking nationwide.

SENATOR BEN RAY LUJÁN (D-NM)

1. The role of the Department of Transportation is to ensure all vehicles, including those equipped with partially or fully automated driving systems, are safe for all road users. In 2024, nearly 70% of all vehicles sold in the US had some form of automated driving system. One of the most prevalent issues leading to AV crashes is over-trust in the automated system, leading to lack of oversight by the human in the loop. Trust in these systems is built on the assumption that the government is performing its oversight duties to ensure cars and roads are safe for everyone.

(a) What do you plan to do to ensure drivers' trust in commercial AV technology is not misguided? How do you plan to enforce safety mechanisms in commercial autonomous vehicles so we can all benefit from the promise of these technologies?

(b) What do you believe are the biggest safety concerns or challenges that are unique to commercial autonomous vehicles?

Answer: The core mission of FMCSA is, and always will be, safety. FMCSA's unwavering commitment is to save lives and prevent injuries and crashes involving large trucks and buses. Every decision FMCSA makes and every regulation it considers must be viewed through the lens of this fundamental responsibility. FMCSA should support innovation while ensuring the highest level of safety on our nation's roadways. This means FMCSA must guarantee the safe integration of Automated Driving Systems (ADS)-equipped commercial motor vehicles. A critical component of this is ensuring that these vehicles meet a level of safety that is equivalent to or greater than the safety standards we currently have in place for all commercial motor vehicles. Any petition

that comes before the agency should be given a fresh and comprehensive review based on the latest available safety data and technological analysis. Additionally, if confirmed, I will review the ADS rulemaking for alignment with the Department and Administration priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

SENATOR JOHN HICKENLOOPER (D-CO)

Commercial Driver's License Audits & Oversight

Last year, we witnessed tragic fatalities in Jefferson County, Colorado, that involved trucking companies failing safety standards or employees unlicensed truck drivers. In response to our Sept. 2024 [letter](#) expressing these safety concerns to the Federal Motor Carrier Safety Administration (FMCSA), we learned:

- In Fiscal Year 2023, 705 motor carriers were identified with Commercial Drivers License (CDL) violations;
- In Fiscal Year 2024, 683 motor carriers had CDL violations.

Every violation by motor carriers to ensure their drivers maintain valid CDL licenses puts more lives at risk.

How will FMCSA improve its oversight and increase frequency of auditing the CDL registrations for commercial truck drivers?

***Answer:** Safety is integral to the mission and coordination with other entities to ensure our nation's roadways are safe and efficient is paramount. FMCSA relies heavily on the work our state inspectors conduct every day to ensure the motoring public is safe. Secretary Duffy recently announced the launch of a nationwide audit by the Department of state practices for issuing non-domiciled CDLs. It is critical to ensure that all state licensing agencies are issuing commercial driver's licenses that meet all Federal requirements that FMCSA deems necessary to promote a safe and efficient supply chain.*

Automatic Emergency Braking

The Infrastructure Investment and Jobs Act (IIJA) required DOT to issue a final rule to require Automatic Emergency Braking (AEB) on all newly manufactured large trucks by November 2023. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks annually. This critical standard is nearly 2 years overdue.

What steps will you commit to taking to expedite the completion of the final AEB rule? When is your target date to issue the final rule?

Barrs

***Answer:** Safety on America's roadways is critical and vehicle technology can play an important role. If confirmed, I will review this rulemaking for alignment with the Department's and Administration's priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.*