

The following matrix represents the FMCSA's response to public comments made to the 60-day Federal Register Notice for the New Information Collection Request: The Impact of Driver Compensation on Commercial Motor Vehicle Safety. Forty-seven public comments have been reviewed and grouped by common themes. Some comments addressed multiple themes but are grouped here only by their primary theme. These themes and the FMCSA responses are included below. Formal comments were received from the following commercial organizations: the American Trucking Association; Road Safe America; the AFL-CIO Amalgamated Transit Union; the AFL-CIO Transportation Trades Department; and the Owner-Operator Independent Driver Association. The FMCSA has responded to these organizations with formal and direct communication, however, their comments are reflected in the responses below along with the entirety of the public comments.

Theme: Total compensation influences driver safety.

FMCSA Response: There could be many factors that influence safe driving performance. Fatigue, as you point out is most certainly one of them as past research has shown. Although this research will focus on possible relationships between the various methods of compensating truck drivers and unsafe driving practices, data will be collected on total compensation allowing this variable to be assessed for influence on safe driving performance as well.

Public Comments:

Carmelo Mercado commented "The problem is that we are only paid if the wheels are turning but we are responsible for the truck, trailer, and load 24/7. I would like to see a minimum salary to include the time spent doing work other than driving. I have seen a company in the Kansas City area offer \$1024 a week for 2500 miles plus anything over 2500 miles is paid based on experience per mile. Something of that nature would keep drivers from needing to work themselves to a point in which it becomes a safety issue." (FMCSA-2014-0325-0002)

Dianne Moore commented "I have been an OTR for almost 13 years. And anyone in this industry will tell you the way truck drivers are paid most definitely affects safety. That's why there is so much unsafe driving. If you can drive a little faster drive over your 11 hrs you make more money. Tell a truck driver to slow down and you are cutting his pay. With so many drivers getting such low com pay they feel the need to do what they do to get a decent check. I'm lucky that I get an ok CPM pay. And I care about safety so I follow the rules, even if I disagree with some of them." (FMCSA-2014-0325-0003)

David Whitfield commented "Drivers tend to run hard just to make ends meet. Drivers do not violate hours of service rules because they're loyal and dedicated or because they love to drive while fatigued. It's all about the MULTIPLE of miles and multiple of compensation per mile!! Let's face the facts...on a great day you might be able to run 70 miles in an hour and the hours of service rules continue to get cut back each time the NEW hours of service REGS come out!! THEY HAVE TO CHEAT TO EARN A GOOD LIVING OR SURVIVE!! There are delays from Traffic, Construction, Weather, etc. MORE HOURS= more miles has a direct impact on MONEY-PROFITABILITY!!! IT'S THAT SIMPLE!" (FMCSA-2014-0325-0005)

John F. commented "YES, YES, YES !!!!!!! It does and it's about time someone shed some light on this topic. I'm certain that many drivers can relate to the fact that THIS IS ALL WE ASK FOR, is to be compensated for OUR hard work not only that but to be compensated fair. The industry SHAVES OFF miles as it is already ,does not give us ALL our detention, we sit for 5 hours and only get 2 MAYBE 3 hours of paid detention ITS NOT FAIR and heck 98.99% of the time we have to fight for that little bit.. It might not sound like much just a few hours but when your pulling a refer unit and your bumping the dock with live off loads AND live loads 3 to 4 times a week those few hours COULD add up to something IF paid right.. I'm SURE there would be A LOT more patient drivers out here driving with a clear mind knowing they are being compensated fair instead of driving with so much anticipation and anger and frustration

because they are eager to deliver that load and pick up the next load and hurry up and deliver IT and so forth and so on all while trying to get home at the end of the week to be home with family and still make a descent check. ALTHOUGH you cannot satisfy EVERY driver on the road these days there could potentially be MORE pleasant drivers on the road a pose to ANGRY drivers it still will most definitely CLEAR UP ALOT of drivers minds and maybe focus on other things other than MONEY!!!!!!" (FMCSA-2014-0325-0007)

Kris Tomczyk commented "Hallo, what FMCSA did it is lots of b/s that way drivers with a brain don't want to drive no more!!!! -1, driver should not be responsible for condition of the truck, company do not want to fix the truck, driver refused to drive? ok go find another job, that is responds from the company...- 2, driver should not unload the freight, driver got enough to deal with on the road and fight with the stress ,,-3, pay is not enough 10/15 dollars or 0,45 cent per mile. ha, ha, ha, it is phony, FMCSA should regulate the pay den everybody be happy \$35 an hour, like union jobs charges, post offices, government have no control over ovne people, but they want to control the drivers, who bring food to their doors, and got pay cheapest rate there is, for all the responsibility driver takes, thanks" (FMCSA-2014-0325-0008)

Jon Edwards commented "want to see how it's related to safety? Just look at the fact that people are shutting down 1 to 1/2 hours EARLY and only driving 8-9 hours a day so that they don't get stuck without a parking space. Or seeing that how the 14 hour clock on your HOS regs are putting people into a place where the detention is limiting their drive time even further because they have to end their day at 14 hours. How many times have I stood in the lobby of a shipper / receiver in the last 2 1/2 years since I returned to driving truck only to have that happen to me, or witness people on a EOBR/ELD (what you going to call them next) and fight with the person behind the window because they have to get going. Where is FMCSA's responsibility in creating this unsafe environment we currently have? The living Legacy of Anne Ferro." (FMCSA-2014-0325-0011)

Timothy Thomas commented "Yes! I have been driving over the road for over 25 years! What it comes down to is more miles more pay! More miles means more hours of driving. If you the people want to have safe drivers on the road you need to pay them what they are worth!!! Instead you allow drivers with as little as 30 days one the road to train drivers with no time on the road. Most of these drivers make the rest of us look really bad. I have seen a lot since I started driving a big truck. We need someone that at least drove a truck for two years to make and change laws!!!! It's really easy for anyone to look at us and say that Drivers should do this and that. Look at all the different laws in every state even in Alaska! Look at the elog in the lower 48 states and Alaska! It gets old. It boils down to one thing! It's just gets old for drivers not to be able to make a living. There's a lot more I look at. Have a great day." (FMCSA-2014-0325-0012)

Eric Gilmore commented "Any time people are paid for piece work or by the mile there is always a safety issues. In trucking today there are so many thing going on waiting to get load or unloaded, driving in all type of weather. But let's not forget trainer and their trainees. Whenever you put someone behind the wheel of these trucks with no experience the trainer should be in the passenger seat. Not in sleeper. That not the biggest problem all trainer should have 5 years' experience or more with no presentable accidents. But any time driver are paid by the mile there is always going to be question on how safe is he or she driving. Any time trucking companies that combined safety bonus with performance and fuel bonus is wrong. Safety need to be a standalone thing and bigger then fuel or performance. If every company driver was paid by the hr. Time away from home but not for sleeping time that would change a lot of it but would drive up shipping price so high. The only way I know to fix it is to have salary per week, and then put in safety bonus, performance & fuel bonus...let say my salary is \$900 a week. I got 7 mpg all week had no accents and ran 2950 miles for that week and I get 5cent per mile safety and 3 cent performance & fuel bonus that a good week. But if everything goes wrong I only get 1500 the next week I still make \$900 and if no accidents I still get safety bonus also. That the only real way pay will not effects safety." (FMCSA-2014-0325-0013)

Anonymous (2) commented "The conundrum you are seeking to solve. Is a drivers pay connected to Safety? The short answer is YES. As a company driver I am limited to the operating speeds mandated by my employer. Most of our company trucks are governed to 63 miles per hour with a few that can reach top speeds of 70 MPH. I mention the following fact as means of reference; Last year I was lucky enough to stop at Mountain Home, Idaho at 7:45PM, (final destination was Albuquerque, NM). An hour later at 8:45PM my company trainer arrived on his way to Denver, Colorado. At 0600 the following morning I was able to leave after my 10 hour break and for the next 8 hours made my way to Ogden, UT, at a top speed of 63MPH. My trainer left Mountain Home at 7AM, one hour later and arrived 5 minutes after I did in Ogden, UT (7 hours, his top speed was 64MPH).It took me 8 hours to cover the same distance that he covered in 7 hours, which means he makes more money for the same distance driven in lesser time. Driving less hours to cover the same distance equals less driver fatigue and a greater income and greater safety. The Company is now requiring us to go slower to save money on fuel, and that is understandable, yet we drivers want to drive less hours in order to reach our destination on time and in a safe manner. In order for us to accomplish this we need to go faster to cover the same distance in less time. Drivers get paid for driving and not sitting - we need a way to get paid for the long loading/unloading dock times (unpaid time) that eat into our mandated DOT 14 hour day. 90% of the long loading/unloading dock time is spent in sleeper berth, yet that time cannot be removed from our 14 hour work day, as the clock continues to count down

- Work = Income
- Time/Speed = Safety
- Sleeper Berth in excess of 3 hours or more = needs to add on time to work day

Consideration for long loading/unloading dock times should be taken into consideration.

Loading/unloading times of 3 hours (not by driver) or more should allow the driver to extend their 14 day by that amount of time, not subtract them from their day. To many times, we drivers have sat for 4 to 6 hours waiting to be loaded or unloaded, causing our 14 hour day to run out placing us at the mercy of the nearest legal parking space, where we have no facilities or services available. Under new the new DOT regulations placed in effect this year (2014), a 30 min break must be taken prior to the 8th hour of the work day in order to continue on to the 11th driving hour. The regulation makes no sense; If a driver opts to take a 30 minute lunch break in the 5th hour of his day he is penalized and is required to take another 30 minute break that is closer to the 8th hour of his day in order to continue on to his maximum of 11 hours. In the course of the day drivers will force themselves to not eat or take breaks until they are at or near the mandated 8th hour in order to comply with the DOT regulations. This does not promote safe driving conditions for any driver or the others we share the road with. Conversely, drivers should be mandated to break every 2 to 3 hours for 15 minutes (minimum) as required by state labour laws. The mandated 30 minute break should be scheduled at the midpoint of his day, between the 4th and 5th hours for an 8 hour drive time and between the 6th and 7th for an 11 hour day and not at or near the 8th hour of driving. There are too many states that restrict truck speed at 55MPH while others allow top speeds of up to 70MPH, this issue should be standardized throughout the United States. 55 MPH or less in Cities, 60MPH within 50 miles of large population centers and 70MPH in rural areas (on the open road). Standardizing the speed laws in all 50 states will go a long way to help drivers drive safely. All of the items I have written about are related to safety, and if you want safer drivers then these issues should be addressed." (FMCSA-2014-0325-0016)

Wayne Carter commented "after 28 years in the business 20 years OTR/8 Years Concrete Plant manager, that has to be one of the dumbest questions I ever heard. Great pay will finally result in less turn over which leads to improved safety." (FMCSA-2014-0325-0017)

Anonymous (3) commented "As a truck driver for over 15 years I can tell you right now it's not the method or pay it's the amount. Drivers are grossly underpaid. Until that problem has been resolved. This study will be a complete waste of time and taxpayers money." (FMCSA-2014-0325-0018)

Reginald Smith commented "safety should always be number one priority. Attitude effects safety. When you are underpaid and not treated fairly it effects your driving. I am a Michigan driver and we don't get paid overtime until forty five. This is a law that should be changed. There are several companies that don't pay any overtime like ad transport and churchill. They make millions a year and don't pay overtime. That law should be changed immediately. If union workers get paid overtime then so should company drivers." (FMCSA-2014-0325-0019)

Desiree Wood commented "Low pay and misleading recruiting is a huge factor in turnover and safety. A recent female who made contact with our group made \$18,000 for her first year. She left her fast food job and children to go OTR at one of the big training fleets. She, like so many others believed she would be paid a starting range of \$45,000. There is no "truth in recruiting" policies in trucking. Lying about wages is the first problem. Experienced drivers and entry level students sign on with a certain expectation that is not delivered to them when they agree to go in good faith out on the road, away from their families. Many become stranded at truck stops and bus stations with no way to get home after being lied to by recruiters or have an unethical carrier shave their pay to nearly nothing. The hidden fees and charges in addition to low "cents per mile" (CPM) equation are indeed factors that push drivers to keep going when they are too tired. They have to eat on the road and this is expensive. More and more truck stops have taken away limited truck parking spaces and are charging drivers to park between \$11.00 and \$25.00 per night. This is not reimbursed by the employer and can mean missing meals in order to pay for it. People who work in the supply chain booking freight often have no clue what HOS even means. They should have to be certified in order to book any truck freight. They have unrealistic delivery expectations and the drivers bear the brunt of this with retaliation if they don't deliver that "hot load" not matter what it takes. The pay is also too low to justify the work conditions even if you LOVE over the road trucking. This is simple math to calculate. A huge majority of truck drivers are receiving a paycheck each week that is under \$500.00, many would see a check of that size HUGE!, More often they are getting one that is less than \$400.00 per week and this is for 70 hours of work but not limited to the off the clock work that is performed and not logged. This is taught by the employer in log class. To log only 15 minutes once at the shipper/receiver and then go up to the off duty/not driving line even if you are on the dock counting freight, having to unhook your tractor, slide your tandems. These things are work and drivers should be paid to do them.

$\$500.00 / 70 \text{ hours} = \7.14 per hour of the hours you are paid to work and this is on a good week!

$\$400.00 / 70 \text{ hours} = \5.71 per hour, this is lower than minimum wage in many states!

The ATA claims drivers want to work 82 hours a week without addressing pay, this is a total lie. Drivers want to drive more because they are convinced no one will look at the low pay and in order for them to survive they have to drive more, safe or not safe! I suggest the FMCSA and the labor department look at the wages being paid at government subsidized carriers who also get FEMA contracts or any other special considerations like Werner, Covenant Transport, PAM, Swift, USA Truck, CRST Van Expedited, CR England and SO many more. Look at the wages they are paying students who are not graduating, look at the wages they have cut from experienced drivers and the one sided lease programs being offered that are basically designed to have the driver pay them to work! In 2008, driver's wages were cut because of the economy, those wages are now slowly being rolled back under pressure but they are veiled as a pay increase which is another lie. These carriers are only being forced to pay back what they took from experienced drivers; it was already earned pay that had taken away while the CEO's still got their bonuses.

At a minimum these drivers deserve at least \$1000.00 per week for the work they do and when you calculate that out by 70 hours it is still not an hourly rate most people would be willing to endure the working conditions if they knew about them upfront. Carriers expect you to shower, handle your personal business, shop, and do laundry on your 10 hour sleep break. Of course many days you are so tired you go without the food and shower to have sleep if you can find a place to be undisturbed. How can anyone maintain anything but fatigue under these conditions? Once you have seen a company truck driver who worked all week calling home to have money wired to them on the road so they can eat because their paycheck was not enough to cover eating road food, paying for parking, expensive laundry facilities and paying their bills you will understand very clearly. These are people who are basically homeless living in

the trucks because they don't make enough to live out of the trucks and cannot afford to take any home-time if they did have a place. Truck drivers should be classified as skilled labor which they are and paid a living wage so they do not feel compelled to push themselves to meet unrealistic schedules dictated by shippers, receivers, brokers and dispatchers." (FMCSA-2014-0325-0020)

Lee commented "I am from Canada; I've been driving for 2 years now. Our HOS are a bit different than yours, we can drive 13 hrs. compared to 11 for you. From what I have been able to figure out so far, the only way to make \$\$\$ by the mile is in a team environment. I drive, you sleep, I wake you up, you take over, I sleep. Repeat until you reach your destination then do it all over again. I work mostly local with the occasional OTR run. Local pays by the hour, OTR by the mile. I lose \$\$\$ going OTR. I'm not paid for my pre trip inspection, fuel or meal breaks, the first hour at the customer is free and any repair time is only paid out after two hours. A little math here: let's say I drive 3k miles a week, let's say I'm paid .40/mile and let's say 30% tax deducted divided by 60 hrs./wk. $3,000 \times .40 \times .70 = 840.00 / 60 = 14.00 / \text{hr.}$ (the .70 works in the formula easier than the .30) that is less than what I make doing local runs. not by much but it is lower. That is taking into account driving for 12 hrs. taking only a 1/2 hr. lunch break and two 15 min breaks. And we DONT get paid o/t, local or OTR. The OTR guys are away from their families sometimes for weeks at a time depending on where their loads take them. Just another note, stop and think for a second, everything you enjoy, EVERYTHING except for one, has been on a truck to get to you at some point in time. We are on the roads in the good weather as well as the bad, and probably when we shouldn't be. Why? Because you people consume the products we carry. we fight weather, traffic, poorly designed roads and business parks, line ups at border crossings, inspections, mountains of paperwork, safe parking concerns, surly and rude dispatch, shippers and receivers, vehicle inspections, hos (hours of service) regulations and our biggest fight is time. In this day and age of instant gratification, two minutes late to a shipper can mean your load is rejected as late and you have to reschedule. That may take a couple of hours or a couple of days. Which means, our next load is lost and we lose \$\$\$\$. I didn't forget and I know you're all wondering what that one thing is that trucks don't deliver...babies. Please, cut us some slack on and off the roads. Give us room to make turns and stops. We are big, heavy and slow. The few seconds you have to stay behind us to get to your turn won't make a big difference in your day. Cutting us off can have disastrous results. Loss of time, loss of the load, loss of vehicles due to collision up to loss of life for being impatient. Being paid by the hour for any and all work we do will go a long way to making our roads much safer. Would any of you non truck drivers do what we do if you weren't paid to do it? I didn't think so. Lee" (FMCSA-2014-0325-0024)

Robert Fleming commented "Anyone who doesn't link compensation to safety is deluded! It cost more to do tasks safely yet there is no compensation for this so they get short cut. Here is my insight, it is safer and more efficient to drive at 60 mph, but with the available hours and the fact that most drivers are paid by the mile you have drivers driving faster to get the extra 10 to 15 miles an hour. Recent case in point is the Walmart driver hitting Tracey Morgan was within HOS regulations, but was speeding. In my opinion if the FMCSA is seriously concerned with safety it must get to the heart of the problem and address driver compensation. And this is just not directed at the companies, but also driver education in business as a vast number of drivers do not understand simple business practices and costs. For the most part there is a very large number of drivers that have no understanding of what it truly cost to operate a truck until they are going out of business or doing thing to cut corners and those corners are usually safety." (FMCSA-2014-0325-0028)

John Carpenter commented "I am sure that you will find a correlation between driver pay and safety. I know that I strive to run legally but the temptation to squeeze the hours to get a few more miles in on a day is quite tempting. I do feel that the chronic underpayment of miles contributes to but does not materially increase the likelihood of a driver fudging the log. I can support pay by the mile but we should be paid the actual routed miles door to door. My company will pay HHG miles but route by practical miles. Causing a 10-15% shortfall between paid and actual miles driven. When I started that was understandable but today with GPS and accurate CMV routing there is no excuse to steal from the drivers pay in this

manner. I fear however that there will be only weak correlation and minimal, if any, demonstrable causation found in this study. (FMCSA-2014-0325-0029)

April G. commented "Having a higher pay does matter but how the company you work for treats you is much more important. I personally took a big pay cut to get away from a company that had rude people in the office... The more you make at a job, the more you care about your job... The less you make per mile will tend to make you careless in your driving practices." (FMCSA-2014-0325-0036)

Anonymous (7) commented "As a retired driver I seldom had reason to be concerned if driving faster effected my pay, in actuality it was condition of the equipment and if I could complete the dispatch in a timely manner. Since those early days the efficiency of Dispatching has overcome that hurdle. In my later years I had the integrity to be a safe and cost effective driver which made my work and the company's cost yield worth my time. I now work in the industry from the outside and am now aware that Oilfield hauling has a far different platform than general freight. Drivers in that division of Transportation have a much more demanding level of safety on them, and are more controlled. The compensation in pay is greater so they meet the demand. Is that influencing the pay?" (FMCSA-2014-0325-0039)

Louise Monti for Stephen Owings of Road Safe America commented "Since our founding in 2002, RSA has worked to educate the driving public on how to be safe around the country's largest commercial vehicles. We have worked to educate policy makers on common sense rules that will result in reduced injuries and fatalities when enacted. From the very beginning, RSA has identified the most popular pay method for professional drivers as a clear inducement to drive unsafely. Most truckers are paid by-the-mile (BTM) and it has been this way for so long that the industry, including management and drivers, presume this is the only reasonable method of paying for the work. This is piece-rate compensation. The more miles a driver covers, the more money he/she can generate. Certainly the largest majority of professional truckers put safety ahead of compensation. But under the BTM method, the temptation to drive a little longer or a few MPH faster is impossible to deny. The FMCSA has wisely neared completion of the rulemaking process requiring electronic logging devices which will go a long way toward deterring drivers from driving longer than allowed. And the new hours of service regulations help reduce fatigue behind the wheel. Soon, we hope, the speed governor (limiter) rule will become law and dangerous top speeds will no longer be a method of making more money via the BTM pay system. But there is still a piece of the solution missing: the pay method itself. Shorter hours and slower speeds are great for safety, but the drivers still deserve a professional's income. They should be paid for every hour they work, including overtime, when earned. Safety bonuses and hourly wages should be considered. But the most dangerous pay method, BTM, is currently in effect for the vast majority of truck drivers. Paying drivers more to drive fast and long is insane." (FMCSA-2014-0325-0040)

Taylor Morrow commented "Driver pay is definitely tied to the number of hours the driver drives and the pay he or she will receive at the end of the run or the end of the week. The first thing a driver or anyone who works and is paid hourly, by the mile, by the job, or by the trip or run, is; "the more I WORK, the more I make." This is not just a problem for drivers, but this problem affects everyone, because a fatigued driver is a unsafe driver. This is a consistent problem with the transportation industry. The bulk of the pay and/or compensation goes to brokers and/or companies that broker their own freight. The person that actually operates the equipment does not receive a sizeable portion of that pay. The operator is given a VERY SMALL portion of the load pay. The Government should regulate the trucking industry and set the drivers pay in line with the many variables that affect the completion of the task of moving freight. If a person owns/operates a semi-truck, he or she should not be paid anything less than \$3.00 a mile and/or \$25 per hour. Detention pay is mandatory at a rate of \$35 per hour after the first hour. The owner/operator should be the only one who qualifies for the fuel surcharge. The amount a shipper is willing to pay, in order to move freight should be posted publicly and verifiable when necessary. The relationship between the DOT and TT drivers should be one of mutual concern for safety, not penalty

based (i.e. if I complete a pre-trip of my truck and a head light goes out while I'm traveling down the highway. I should not receive a citation). Require that drivers keep spare lights in the truck. Give the driver a warning and allow the driver to change the light. The highways are VERY DANGEROUS these days and continue to get worse each day. If the Government wanted to really help with safety on the public streets and highways, they would work to make sure the drivers are being paid well and in turn the drivers would be able to take better care of their equipment. At this point, the highway is littered with retread tires, congested with amateur drivers, and the public assumes that the trucks that they share the highway with are operated by well paid, well trained, well rested, safe drivers. Unfortunately, that is not the case. I would dare say that owner operators are one of the largest groups of small businesses in the United States. And we are amongst the most under represented, and under paid groups of workers in the United States. If the United States won't fight to ensure the working men and women of this nation a living wage, how then can we continue to lie about trying to eradicate poverty? We can't!!! The corporations have not only a voice, but they have a direct line to government officials. The middle class, working poor are just regular people trying to make a living consistently get further and further behind. Want proof? Just look at the RECORD PROFITS the corporations have made in the last 10 years." (FMCSA-2014-0325-0041)

Theme: Hourly pay is the best method of compensation to influence safe driving behavior.

FMCSA Response: The proposed study will assess any relationship between all of the collected compensation methods and safe driving behavior. The study will address hourly pay as well as others to determine if a relationship between compensation method and unsafe driver behaviors exists.

Public Comments:

Rodney Jordan commented "It's a no brainer. Drivers paid by the hour are safer" (FMCSA-2014-0325-0010)

Ari Kaim commented "It is evident to me a 10 year operator, that all drivers compensated by mileage or load type pay, are extremely aggressive on the roads especially because they are tied down to extremely strict hours of operation, the lack of flexibility especially in high traffic lanes causes drivers to take unnecessary risks on the road, as long as pay type is not tied down together with a minimum wage type of compensation, we will continue to have otherwise unnecessary accidents. Most drivers that I ever have contact with that are hourly compensated are much more relaxed and cautious of their driving patterns. They are not willing to take risks." (FMCSA-2014-0325-0014)

Brian Gough commented "I am a Driver and I feel that Hourly paid Drivers are more Cautious, The other drivers that are paid differently, seem to always be Tailgating, Speeding and weaving in and out of traffic. This is my own opinion and I have 35 years of safe driving to back my statement up." (FMCSA-2014-0325-0015)

Anonymous (4) commented "It's all about the money. If a driver is making good money you will find that he's a safer driver. It's a shame that the law doesn't just make it so all trucking companies has to pay all drivers by the hour. If they did even the company's would come up with safer ways to get there product delivered. A well paid driver will be happier and safer. A driver that's paid by the hour and paid top wages for their professional performance will not be trying to get those extra miles by either running over speed limits or even running over hours. If you want safer drivers then make it so all company's pay drivers by the hour and treat the drivers as a professional not a labor." (FMCSA-2014-0325-0025)

Anonymous (6) commented "Our companies are involved in short haul trucking of bulk agricultural commodities and bulk liquid products. We have paid our drivers by the hour for 30 years. We do so to be able to appropriately compensate them for the unknowns that happen primarily when loading and

unloading. Paying by the hour has enabled us to see a great deal of difference between our drivers and others. According to our insurance companies and our safety ratings, we do a very good job with safety. We believe paying by the hour helps greatly. We also believe that paying by the hour drives up costs. Fundamentally, we are not opposed to pay-by-the-mile, "incentive" pay. However, "mileage pay" creates a great deal of turmoil in trucking and turnover in drivers. Each company prominently offers its mileage pay and competes for drivers this way. The truth is rapidly found out by the drivers that cents per mile does not accurately reflect what they will take home, helping to create as much as 100% churn in driver staff annually. This is not good for anyone on the highway. Fundamentally, you have a huge pool of drivers who are dissatisfied, and about to quit, or are new on the job, often now travelling in new territories. Providing minimum wage for wait time, while well intended, is operationally screwy. When does the wait begin? Is it when the driver is first available to unload; at an appointment time; what if there is no appointment time; what about weekends or shift changes or end of day? What if the driver caused the wait; it happens. What if the shipper or receiver caused it? Can we make them repay us? What if their vision of the truth is different than ours? That said, it is often unfair to a trucking operation that pays by-the-hour when they compete with drivers paid-by-the-mile. Companies know that Joe drove all the way from way-over-there to get here and needs to get unloaded. They push our hourly paid drivers off, who are getting paid to wait, so that mileage paid guys get unloaded first. Maybe they should pay our drivers in that case? Again, pretty screwy to calculate. Another unfair issue beyond wait time is dead-head miles. Some companies pay them, pay at reduced rates or don't pay them. Wait time is also about waiting for the next load, maybe days. If you think it is a safety issue to make a guy wait for two hours to be unloaded, what do you think it does when he waits two days? Is he or she more likely to rush and be careless to go get that next load they have been waiting on? Time is money and now I have to hurry to make up for lost time? Some will argue that FMCSA has a solution that is looking for a problem. If there is no problem, leave well enough alone. If, however, you do decide that there is a real problem with safety that can be solved by changing the pay methods, consider all of the alternatives for pay. In our opinion, the most fair pay is by the hour. In this system, the driver makes decisions as to the merits of working in our environment and then management judges the drivers' performance and makes appropriate decisions. In this system, there are two parties looking to find a proper balance and both parties have a choice. In pay by mile, it is primarily the driver that makes personal decisions as to whether he or she is satisfied with the deal. Management will put about any otherwise qualified driver in a truck as long as the driver will do the work and accept the pay. If pay by the hour were to be chosen, the current wage and hour provision needs to be retained to allow straight time (not overtime) for the driving periods. Driving never will be an 8 hour day. Our transportation system already prescribes the maximum actual hours worked and hours on duty. "Overtime" is not really allowed anyway. In a pay by hour circumstance, companies would need flexibility in dismissing drivers due to changes in freight. Today, if a driver is not driving, he dismisses himself. Pay by the hour is consistent with all other jobs in America. It allows prospective employees to accurately judge the comparative merits of one job over the other. Employers are also equally at ease in establishing hourly rates to compete for employees and compete for customers. To a high degree, the trucking industry is stuck in its ancient ways and pays the price daily having to constantly steal employees from one another. No one can break out and be the first to pay by the hour because, as we said, it increases costs. To make this change, the "rule book" must change for everyone at the same time. A level playing field is the good part of regulations for our industry. If such a change were made, just as fuel costs are passed on to the consumer, so will any higher cost for wages. If FMCSA were to move this direction, we believe that a great deal of order would come to trucking companies and the public." (FMCSA-2014-0325-0027)

Mark Smith commented "I have been driving over the road for 20+ years and have had a wide range of pay packages (% Mileage, Mix of Mileage and Hourly, which is how I'm Paid now) I do run different now than I did under % or Mileage, that may just be that I am older and a little wiser, but I think some of it is the fact I have the hourly pay when I'm (loading, unloading, waiting) it's not a lot but it's something and I don't have to try and make up that loss of money running down the road, so some days I drive a hour or 2 because I have already put in a full day and I'm tired, the hourly pay help me make that decision easier."

(FMCSA-2014-0325-0035)

The following commented was grouped with this theme since response is applicable: Anonymous (8) commented "I strongly believe that over the road drivers should not be paid by a hourly wage!" (FMCSA-2014-0325-0042)

Theme: Pay by the mile/load compensation methods lead to unsafe driving behavior.

FMCSA Response: The goal of the proposed study is to evaluate all compensation methods including pay by the mile or load, but the study will not focus on or emphasize one method over another and determine if there is any relationship to safe driving behavior.

Public Comments:

Jack Alexander commented "First of all thank you for the opportunity to voice my comment. I have been a commercial driver now for 28 years, 9 years over the road, 15 years in LTL and the rest a fuel transport driver. I know for a fact that paying a driver by the mile, by the load is not at all the right thing to do doing so has a negative effect on safety. Think about it the more miles you drive the more money you make, so it encourages speeding, not getting sleep, I would strongly suggest paying every driver by the hour, for every hour they are out on the road and responsible for doing any part of the job, or salary based on a 24 hour day. They are away from home." (FMCSA-2014-0325-0022)

Frank Sottile commented "Hi, I am a cdl driver and can tell u pay has a big factor in safety, I see driver driving fast and unsafe just to get the miles so they can get the next load...pay by the mile just make it a very unsafe industry...I believe if the FMCSA really wanted to help truck safety and protect the public they would outlaw pay by the mile...This i feel is the number 1 reason driver disobey the laws, they need to feed their families. Thank you, Frank Sottile" (FMCSA-2014-0325-0033)

Stephen Owens of Road Safe America commented "Road Safe America endorses the considered survey of trucking professionals to determine the relationship between incidences of unsafe driving and pay methods. Our own position is that any pay method other than by-the-mile is sure to be safer than the predominant method currently used in the industry. As a matter of fact, it is difficult to think of a more dangerous pay method than paying by-the-mile. Clearly, it provides the incentive for dangerous behavior (driving fast and long). We also believe that late penalties should be prohibited as they obviously can cause extra pressure to be on time, no matter what it takes. With regard to the proposed Respondents we feel you are targeting the wrong group: Safety managers, operations managers or owner operators of commercial motor carriers companies. You should have truck drivers answer the questions and ask them whether being paid by-the-mile, as opposed to by-the-hour for every hour worked (whether moving or not), ever causes them to: falsify their logbooks (due to detention time cutting their time legally available to drive) and/or speed/drive too fast for conditions drive during inclement weather (for example: blizzards, ice storms) in which they should not be moving at all." (FMCSA-2014-0325-0045)

Theme: Driver experience, integrity, selection and training are factors in safe driving performance.

FMCSA Response: Driver experience may very well be a relevant factor in safe driving performance. The proposed study will solicit driver total driving experience as a variable; however, the goal will be to assess that factor as it relates to method of compensation. The FMCSA may consider specifically studying driver experience, selection and training in future research efforts.

Public Comments:

Doug King commented "I have been involved in the trucking industry both as a driver or motor carrier

since 1974. I feel that any direct correlation between driver compensation and driver or vehicle safety would be coincidental and not relevant to increasing the safety of those in the trucking industry or the general public. It is an unfair assumption to state that drivers or company's means of or amount of compensation would cause the driver to be less qualified or safe. It would be reasonable to assume that inexperience would contribute to crashes, injuries and fatalities in large trucks. However, higher compensation for entry level drivers would not lessen the risk." (FMCSA-2014-0325-0004)

Anonymous (1) commented "I think your study will not change any of the safety habits of the drivers out there versus pay give anything it will increase the possibility of accidents because the drivers will hurrying their runs, thus making it more possible for accidents to happen. Best way for safety to occur this through training screening of new drivers." (FMCSA-2014-0325-0006)

Donald Belknap commented "Hi my name Donald Belknap And I would like to comment on the impact of driver compensation and vehicle safety. First let me give a little background on myself. I started working on milk trucks in the sixties while in school. I then enlisted in the U.S army and during a tour in Viet Nam started hauling heavy equipment. Upon discharge I went to driving for a living. I drove as a company driver, lease contractor and owner operator for the next 40 years and 5,000,000 miles. Over the years I found that the stress of being on the road for long periods of time and trying to make enough money to support a family was difficult. As time went on and myself being a guy who loves numbers I started to understand operating cost and on retiring built a system for keeping track. The problem is not how drivers are paid or when. The problem is education on how to manage their cost and money and decide if the job they are on is the right job for them. Most don't know if they are making money or not for lack of education. Financial problems create an unreal amount of stress and stress causes inattention to their driving and this leads to more accidents. Drivers on the phone with wives trying to figure how to feed the kids. Upon leaving driving, myself and some partners built a program to help relieve this stress and educate drivers. During a show in Alabama we discussed this with the school that trains DOT officers and some officers personally and they agreed financial issues should be taught in the driving schools. NO SCHOOLS TEACH THIS. They only teach how to drive. This causes drivers to run harder, faster and work longer to make more money. We would love to have the opportunity to help lower turnover rates increase safety ratings and lower accident rates by reducing stress in the industry. If we can be of help or you would like to discuss this further please feel free to contact us @727-378-5875/727-378-5875 or don34607@yahoo.com. We have worked long and hard on this project and knew it needs to be incorporated into the truck driving schools and truck company safety programs. Our program would lower turnover rates and increase safety by lowering stress levels. Lowering stress helps get a better nights sleep rather than trying to regulate when a driver should sleep with more HOS regulations. We would love to set up a video conferencing program with a school or two to test our theory and would welcome some feedback from the FMCSA. When we approach a company with turnover rates hovering at around 100% they don't seem to care explaining that they look at turnover as a cost of doing business. We look at it as a safety issue. Thanks for your time and We hope to hear from FMCSA and possibly help." (FMCSA-2014-0325-0009)

Anonymous (5) commented "The study may yield some valuable info as long as the survey accounts for multiple variables such as: 1) cents per mile vs. hourly pay, and 2) time/experience related to pay. New guys will make less because of lack of experience; they will also have most of your Safety incidents. This is not because of their pay, but because of experience - OTR vs. regional vs. local. I also feel that if as a result of this survey wages increase, it will do little to change driving habits as the same will still apply. More miles/loads equals more pay. So instead of looking into what should be paid, look at how current driving conditions including regulations effect Safety." (FMCSA-2014-0325-0026)

Ron C. commented "Does a driver's pay affect his safety habits? - Absolutely not. The driver either has the integrity to be safe and productive or he/she does not. Now if you asked if a driver's safety habits affected his/her pay my answer would be absolutely yes. More than the unsafe driver who likes to

complain about everyone picking on him will ever believe.” (FMCSA-2014-0325-0032)

Theme: Drivers should be compensated for “on-duty not driving time” to reduce fatigue.

FMCSA Response: This study will solicit information on all of the variations in compensation methods for a commercial driver, including for on-duty not driving time such as standing, waiting, loading and unloading. The goal of this study is to understand all of the elements of compensation and determine if there are any common factors that influence safe driving performance. Fatigue has been shown to be a factor in driver performance and has been linked to crash causation through other studies conducted in recent years.

Public Comments:

Steve Grantham commented “I haven't driven OTR in 30yrs but I am still heavily involved in the industry. Things haven't changed much, in pay, or in operations. You, meaning carriers, shippers, consignee, etc, expect the driver to operate safely but pile all sorts of extras on. The driver is expected to watch and even physically load and unload his/her trailer for no pay, do a daily safety check, for no pay, wait for hours on end for no pay, go through many DOT stops coast to coast for no pay and still be expected to deliver on time. Then, the consignee will use the trailer for storage until they are good and ready to unload it. Guess what...no pay. I don't think that a straight hourly wage would work, but maybe a sort of mileage/hourly mix where the clock starts when the delay begins, whether it be loading/unloading, a snowstorm a stupid dispatcher sent you straight into, or a road check....whatever. There is going to have to be a decent compensation package or in another ten years produce will be rotting on the docks. People are going to have to understand that the mileage pay alone is not going to work going forward. (FMCSA-2014-0325-0030)

Royce Potter commented “It should be mandated to pay all commercial drivers for all waiting time...loading, unloading, inspections, service, training, etc. This is the number one that drivers cheat on their logs. If a driver arrives at a customer to load at 7.00 and does not leave until 9.00 they generally do not log that first 2.00 hours because they have not moved the truck. But they have already started their day 2 hours earlier. This allows the carrier to schedule a delivery appointment sooner than should be legally allowed extending the driver's day to 16 hours instead of 14 hours. This unpaid time accumulates throughout the week and the driver ends up working 100 hours a week not 70. This uncompensated time wears on the driver and leads to driver fatigue and accidents that could have been avoided. I believe the only way to fix this problem is to make the carrier pay for all the down time regardless of whether they are reimbursed by the customer or not. The carriers will be more selective in choosing their customers. And those that refuse to change their ways will not be able to get trucks for their products.” (FMCSA-2014-0325-0031)

Theme: Fatigue influences driver safety performance.

FMCSA Response: Public comments make several points about the Hours of Service rules that suggest they enable drivers to drive while fatigued. Past studies have shown that fatigue has played a factor in crashes. The proposed study does not assess the influence of the Hours of Service regulation with regards to safety but will use recent violations related to safe driving such as speeding as a measure of safe driving behavior.

Public Comments:

Ron Penland commented “Being a Trucker for 40 years myself, I cannot see the correlation between safety and driver pay? I think the biggest strain on safety placed on trucking has been the regulations put into effect since 2003. I used the original regulations and the regulations since 2003 and the original regulations covered trucking much better than anything put into effect since them. The rule, placed into

effect by Pres. George Bush (the second), requiring 8 consecutive hours of driving was particularly devastating to the trucking industry, especially considering the time spent at shippers and consignees. Under the old regulations, all sleeper time counted towards a driver's time off requirement. Under current regulations, nothing less than 8 hours straight counts towards his break and, in fact, actually counts against the drivers 14 hours? This causes a driver to have to spend longer time on the road to fulfill the trip requirements, which not only wears the driver down, it affects his pay and causes him to have to stay on the road longer? Just that one regulation the other day turned one of my trips from an ordinarily 18 hour trip into a 23 hour trip. Obviously, it cut my pay for the trip as well as forced me to spend longer on the trip? The regulations need to be scrutinized very closely and you'll find the reasons for driver fatigue. That's my opinion anyway. (FMCSA-2014-0325-0021)

Andrew Haraldson commented "I have over 10 years of over-the-road (OTR) truck-driving experience. Mileage pay encourages truck drivers to drive more miles even when they're tired, so mileage pay encourages unsafe driving. However, even if truck drivers are paid hourly or salaries, they will still be driving unsafely because the Federal Motor Carrier Safety Administration (FMCSA) allows motor carriers (MCs) to work truck drivers 70 hours every five days (without paying overtime); this is what most MCs do. Working 70 hours (without overtime pay) on what amounts to a weekly basis will cause almost any human being to eventually experience chronic fatigue and exhaustion. Most truck drivers must work under these conditions, so most truck drivers are always fatigued and exhausted, even after their weekly 34-hour breaks, method of pay notwithstanding. As well, the odd hours that most truck drivers must work also contribute to unsafe driving. Shippers and receivers routinely schedule deliveries and pickups at early-morning (before 6:00 a.m.) and late-night (after 11:00 p.m.) hours. This requires drivers to work when their bodies are accustomed to sleeping. Many delivery schedules also require overnight driving. The resultant interruption of normal sleep patterns adds to driver fatigue and exhaustion. I recently quit truck driving because I was chronically fatigued or exhausted from working 70 hours a week, every week (without overtime pay), and from interrupting my normal sleep patterns to drive overnight or to make pick-ups and deliveries at odd hours. As an OTR driver, I never had a serious accident or was at fault in any accident. (I was a "good" truck driver.) But I felt that, due to the exhaustion I always felt, even after my 34-hour break, it was just a matter of time. Rather than continue doing a job defined by laws that encourage unsafe working conditions, I chose to quit before catastrophe struck. The last MC for which I worked paid me a salary. It didn't decrease the fatigue and exhaustion I felt, as I was still working odd hours and 70 hours every week (without any overtime pay). Addressing mileage pay as a means to addressing unsafe driving conditions is a good start. But if the FMCSA is sincerely interested in safer truck driving, the FMCSA will dramatically reduce the number of hours--from 70 to 50--that MCs are allowed to work truck drivers every five days. The FMCSA will admonish MCs to stop promising drivers "more miles for more pay" and start promising drivers "fewer miles for more pay" (which is more sensible). MCs will likely protest that decreasing the number of hours that they are allowed to work their drivers will cause many problems. But the bottom line is that working any employees in any line of work for 70 hours every five days (without any overtime pay) amounts to unsafe conditions and unacceptable treatment (that is particularly heinous if it is encouraged by federal and state laws). If the FMCSA continues to, as a matter of law ("hours-of-service" regulations), encourage MCs to work their drivers 70 hours every five days (without any overtime pay), then the FMCSA cannot say it is sincerely concerned about highway safety or truck drivers' welfare. Ultimately, if MCs' freight rates can increase to accommodate higher fuel, equipment, maintenance and regulatory costs, and non-driver compensation, then MCs' freight rates can increase to accommodate humane driving conditions for truck drivers without decreasing truck drivers' pay. It would also help if the FMCSA, along with state and federal Departments of Transportation, publicly supported enhanced domestic fossil-fuel production and cheaper fossil fuel imports from Canada (via "the Keystone Pipeline), as this would decrease MCs' fuel costs and increase MCs' profits which--theoretically, anyway--the MCs could pass on to truck drivers. Lower fuel costs would have other dramatically positive effects--decreased global pollution, lower shipping costs on wholesale and retail goods, lower food and gas costs, et cetera, et cetera--but the attendant comments are for other times and places. If this FMCSA study finds that abandoning mileage pay in favor of hourly or salaried pay will enhance highway safety,

the FMCSA should also find that OTR truck drivers are responsible for the truck and its cargo, and therefore on duty, 24 hours a day--even when they're in the sleeper berth--and should be paid overtime pay accordingly (after eight hours on the job). This will increase minimum OTR truck drivers' pay to about \$90,000 a year (assuming \$10 an hour, \$15 an hour overtime, and 50 134-hour work weeks a year) which, adjusting for inflation (and given truck drivers' jobs' crucial importance), is what it should be. If, despite my plain language and clearly stated points, FMCSA personnel, motor-carrier executives, or politicians cannot understand what I've written here, I will gladly explain it in greater detail, supported and clarified by formal research." (FMCSA-2014-0325-0034)

Eamon Williamson commented "If the real truth be known then this statement should wake up the world of transport. I had misfortune to have a heart attack...But here's the real crunch A very highly heart specialist told me that Truck Driving I'd the Third most stressful Job in the world and his position came in in fourth place .problem is no one in transport listens ? Who in their right mind is fit to work Drive Seventy hours a week And no one so accidents insurance costs and all that follows after this makes a poor reflection on Truck drivers Pay and general conditions are very poor But big Question us will it be all talk and Again no action from Government agencies and Tycoon business men Low morals or no morals Keep Them wheels turning you could be a Monkey Cause it don't matter you might just be a number Not a name ? ?? No, not angry just truthfully in Europe you can only Drive 90 hrs. in a Two week period." (FMCSA-2014-0325-0037)

Theme: Drivers of non-commercial vehicles should be trained on safe interaction with commercial vehicles and should have hours of service regulations imposed on their driving behavior.

FMCSA Response: FMCSA acknowledges the influence that the motoring public has on the roadways with regards to integration with commercial motor vehicles. To that end, FMCSA is actively engaged in outreach and education campaigns such as The No-Zone and Ticketing Aggressive Cars and Trucks (TACT) on a national and state level to increase the awareness of the public. Given that FMCSA's authority does not extend to regulation of the general public, the agency cannot regulate their behaviors.

Public Comments:

K.P. commented "I think that all the four wheelers should take classes on being safe around big trucks on the road and ride with a big truck driver for a week before they can renew their license. I also think that all four wheelers should be on a electronic log and not be able to driver over 11 hours since they are the biggest cause of accidents. I think that all states should have one set standard for drivers being paid either by the hour or by the mile." (FMCSA-2014-0325-0043)

Theme: The FMCSA should focus its efforts on issues directly related to its core mission (to reduce crashes, injuries and fatalities involving large trucks and buses) and not engage its resources with the business relationship between motor carriers and drivers.

FMCSA Response: The FMCSA strives to pursue its mission using a strategic approach that not only includes enhancing and enforcing the Federal Motor Carrier Regulations but also reducing the number and severity of commercial motor vehicle (CMV) crashes and enhancing the efficiency of CMV operations by conducting systematic studies directed toward fuller scientific discovery, knowledge, or understanding (FMCSA Analysis, Research and Technology Mission Statement). Conducting research to understand the nature of an industry or entity and the means by which it conducts its business and operations is at the heart of any safety-conscious work environment including the motor carrier industry. The proposed study is within the FMCSA's mission and is in the best interests of public safety and the motor carrier industry.

Public Comments:

The following is an extract from the American Trucking Association comments related to this theme: "ATA is a strong proponent of effective measures to increase safety on the nation's public roadways and has a considerable history of supporting measures that have a demonstrable safety impact. In this instance, ATA fears that the agency is diverting scarce resources from its core mission in pursuit of an unnecessary intrusion into the business relationship between motor carriers and drivers." (FMCSA-2014-0325-0044/46)

Theme: The proposed study implies the FMCSA has a predisposition to eliminating all forms of pay except hourly.

FMCSA Response: This study is designed to capture information on all methods of pay across the motor carrier industry independent of the type of operation and assess its potential relationship to safe driver behavior. This research is being conducted to determine whether there is a statistical relationship between method of driver compensation and safety.

Public Comments:

The following is an extract from the American Trucking Association comments related to this theme: "An information collection undertaking can be helpful in formulating sound public policy. However, the information collection, to be effective, must be designed in a way to elicit useful information. FMCSA has requested comments on the proposed ICR but has failed to provide the survey questions themselves - making meaningful comment more difficult. However, ATA is concerned that FMCSA has already decided it wants to forcibly move the trucking industry to hourly pay and has designed the survey to elicit underpinnings for the effort. Former Administrator Anne Ferro, who recently resigned, claimed proudly in her farewell to staff that among her accomplishments while heading FMCSA was to advocate changing the driver pay model. Even FMCSA's explanation of the research suggests unintended consequences of market-based compensation systems may include "reward[ing] drivers for speeding and driving excessive miles." With this initial bias and without the benefit of seeing the questions, it is difficult to believe an online questionnaire sent to randomly selected motor carriers will result in a credible research finding." (FMCSA-2014-0325-0044/46)

Theme: The proposed ICR needs to consider additional influential variables related to safety performance.

FMCSA Response: The FMCSA acknowledges that many factors may affect safe driving performance such as driver experience, training, type of operation, as well as geographic location and so on. This study will focus on how compensation of any method or combination affects driver safety performance. Future research efforts may focus on other areas of carrier operations or driver performance.

Public Comments:

The following is an extract from the American Trucking Association comments related to this theme: "The ICR correctly notes that a number of other potentially confounding variables exist and will be assessed. The list provided is only a partial list of the confounding variables that need to be assessed. Without being exhaustive, other variables that likely impact safety performance more than method of compensation include: geographic location of operations (e.g., mountains vs. plains, urban vs. rural), disparities in enforcement among the states, and effect of combined/hybrid pay methods. For example, in response to a recent ATA survey on driver compensation, a motor carrier noted that it utilized over 200 different pay packages, many of which mixed pay per mile or pay per load with time-based payments for

detention. The ICR provides no explanation of how these variables will be assessed apart from the method of compensation.” (FMCSA-2014-0325-0044/46)

Theme: The FMCSA needs to improve the quality of investigative activities to foster safety through compliance.

FMCSA Response: The proposed study does not address investigative activities and their relationship to safe driving behavior but may be considered for future research. The FMCSA is continuously improving its approach and quality of field activities through policy and training efforts.

Public Comments:

Michael Millard commented “As a former investigator with over 10 years in conducting compliance reviews at motor carriers that paid hourly, percentage and by mile I discovered false records of duty status. It didn't matter whether the carrier paid well or below standard rates for a region. The common issue was customer service and greed. There are issues that are controllable and uncontrollable by the motor carriers, i.e. drivers stopping at every truck stop because they are bored driving and seek some tangible companionship regardless how minor while interfacing with other drivers and/or truck stop staff. The issue of customer service is priority one! If carriers desire repeat business they must meet customer demands and if that requires a few rules to be broken then an employee of the carrier assumes the risk and gets the job done while hoping they don't get caught. The FMCSA has no jurisdiction over driver pay and if legislation was ever passed to empower the FMCSA then chances are it would take decades before the FMCSA could get a grasp on the situation. The FMCSA should spend more time training and encouraging investigators to do a more thorough job of discovering false records of duty status. Too many investigators appear at a motor carrier's place of business and go through the motions without examining the records. I have suggested to my elected officials the next highway bill include a provision of quality assurance to ensure roadside inspectors and investigators are uniformly enforcing the applicable regulations. In my humble opinion there are a sufficient number of regulations on the rule book it's just a matter of law enforcement officials uniformly enforcing the current regulations. The FMCSA should look inward and how to improve the quality of work performed by state and federal enforcers. The FMCSA should manage its resources with quality assurance programs which may include having State Program Managers spot checking MCSAP officers and state auditors/investigators in their state and having Federal Program Managers and Division Administrators accompany federal investigators on compliance reviews to ensure the investigators are examining records. By assuring state and federal inspectors and investigators are performing quality reviews/inspections then motor carriers/drivers will better understand their obligations and perhaps operate as prescribed by the FMCSR/HMR.” (FMCSA-2014-0325-0023)

Theme: Passenger carrier companies and drivers and the impact of overtime exemptions should be included in the proposed research.

FMCSA Response: The Motorcoach industry is a unique operating environment with a differing set of variables that may influence the research. The FMCSA recognizes the value of understanding the potential effects that compensation may have on safety as well as many other industry issues. The proposed study is focused on non-passenger commercial operations but will address overtime as a component of compensation packages. Future research efforts may be designed to include passenger carrier operations and their unique operational characteristics.

Public Comments:

Sesil Rubain commented “I think it's great to research truck driver pay and safety but, you should also include over the road bus drivers. Bus accidents kill and injure large numbers each year. I think you will

find the better paid over the road drivers (bus/truck) have better safety records. In the airline industry the number of hours a pilot works is controlled by the federal government and the pilots have attractive salaries. The bus/truck industry needs a living wage so drivers won't be forced to drive fatigued and have multiple jobs." (FMCSA-2014-0325-0038)

The following is an extract from the AFL-CIO Transportation Trades Department's comments related to this theme: "While we support the intent of this study, we oppose FMCSA's decision to exclude motorcoach operators from the scope of its work. Unlike 85 percent of the American workforce, motorcoach operators are not guaranteed overtime pay. Due to the loophole found at section 13(b)(1) of the Fair Labor Standards Act (FLSA, 29 USC 213(b)(1)), bus drivers are exempt from the requirement that workers be paid one and one-half times their regular pay for hours worked in excess of 40-hours per week. As a result, many bus drivers work grueling hours or hold second jobs during their alleged rest periods in order make ends meet. The National Transportation Safety Board (NTSB) found this to be true when conducted focus groups in 2011. Reporting on its findings, NTSB writes that, "[a]nother contributor to fatigue described by drivers was holding multiple jobs to earn adequate income. The multiple jobs sometimes were said to lead to hours-of-service violations from driving after on-duty limits had been reached." At a time when a growing number of individuals are placing their safety in the hands of over-the-road bus operators, FMCSA must consider how operators' exemption from overtime pay contributes to fatigue and undercuts safety. We appreciate the opportunity to comment and hope the agency will consider our comments." (FMCSA-2014-0325-0047)

The following is an extract from the AFL-CIO Transportation Trades Department's comments related to this theme: "Because of the occupations that we represent and the potential for this ICR to impact safety and compensation standards for CDL holders, we have a vested interest in it. Although we support the underlying issues addressed in the ICR, we strongly encourage and recommend that FMCSA reconsider the scope of the ICR to include bus operators. We also endorse the comments submitted by the Transportation Trades Department, AFL-CIO (TTD), to which we are affiliated. One area of particular concern to the ATU is safety in the motorcoach industry. Motorcoaches are buses used for long distance travel that typically carry 40 to 60 passengers. They can be chartered by groups for custom trips or have scheduled routes between cities or a city and a popular destination. The latter is referred to as the intercity bus industry. The ATU represents nearly 6,000 workers in this industry...Driver and passenger safety is the top priority of the ATU. The ATU has drafted a bus safety proposal to address concerns regarding the intercity bus industry. A copy of this proposal is attached hereto. The ATU appreciates the opportunity to comment and urges FMCSA to include buses in its ICR so it may address the significant safety issues rampant in this industry directly related to driver compensation." (FMCSA-2014-0325-0048)

Theme: The proposed research should include driver's insights on how compensation impacts safety performance in the study. Further, the study should be concerned with truthful reporting and the quality of information from respondents.

FMCSA Response: The proposed study will use current data from the FMCSA safety data systems collected from carrier investigations and roadside activities. This data is driver specific and will be used to compare safety performance to compensation methods. In the case where a motor carrier has only one method of pay, a direct relationship can be considered. However, in the case where multiple methods of pay are used by a single carrier, then the survey questionnaire will expand to solicit individual driver compensation characteristics and safety history. In this way, the research considers drivers and their contribution to the safety. Truthful reporting is always a concern in any research effort. The goal is to remove as much opinion and focus on verifiable, quantitative data. The FMCSA recognizes the need to validate collected information and will use all means available to cross-reference data where possible.

Public Comments:

Federal Motor Carrier Safety Administration:

January 15, 2015

Comments to the 60-day Federal Register Notice, 2014-0325

The following are excerpts from the Owner Operator Independent Drivers Association's comments related to this theme: "Unfortunately, the potential benefits of this survey are reduced because FMCSA's research plan is leaving out the most important constituent within the trucking industry: CMV drivers. To understand carrier policies regarding compensation, it is important to hear from "safety managers, operations managers or owner-operators of motor carriers [sic] companies," and one can certainly gain some insight into the connections between carrier safety records and compensation levels and policies. However, drivers are the only respondents who have an opportunity to provide true insights into how these factors actually manifest themselves on the highway and as part of their job as professional truckers. For instance, the impacts of unpaid detention time may or may not show up in a carrier's violation record within the Motor Carrier Safety Information System (MCMIS), but a driver will surely be able to highlight the increased stress and other impacts due to this uncompensated time... One area of concern, especially given the nature of this ICR's subject matter, is ensuring that FMCSA receives a sufficient number of accurate and truthful responses. Given that the research will be linking individual carrier responses to carrier safety records; it is conceivable that carriers will not want to provide accurate information regarding their compensation practices." (FMCSA-2014-0325-0049/50)