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Final Report

**A Qualitative Assessment of the Role of Shippers
and Others in Driver Compliance with
Federal Safety Regulations**

December 1997

FHWA-MC-98-049

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NATIONAL TECHNICAL INFORMATION SERVICE
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A Qualitative Assessment of the Role of Shippers and Others in Driver Compliance with Federal Safety Regulations

Final Report

Submitted to:

**The U.S. Department of Transportation
Federal Highway Administration
Office of Motor Carriers**

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James Swinehart, Ph.D., moderated the focus groups and provided technical assistance to the project in terms of research design, focus group materials' development, and analysis of the research findings. Barbara Cooper, the project writer, observed the focus group sessions, took notes, and wrote the focus group final report, assisted by the other principals.

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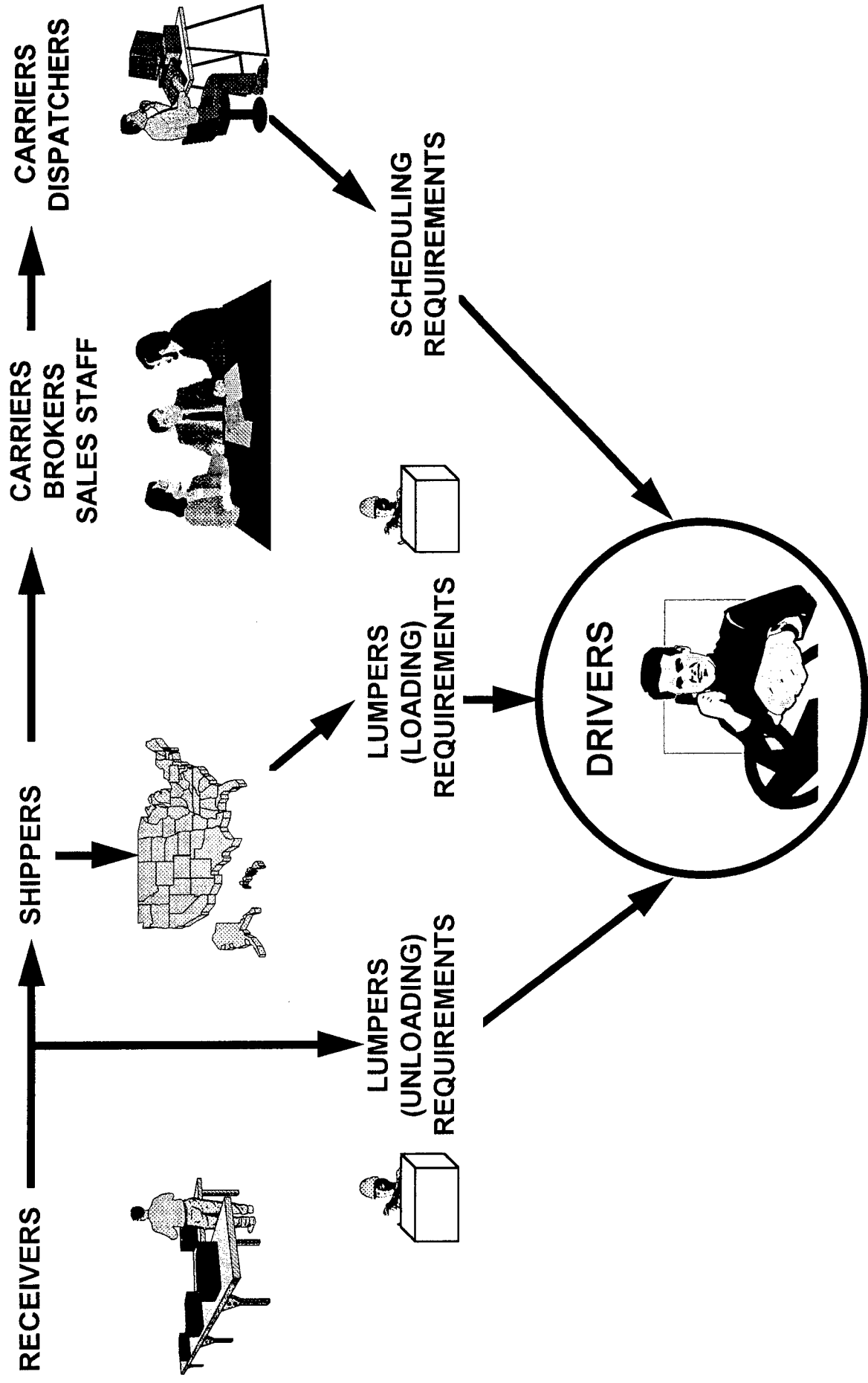
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SHIPPING CYCLE: PRESSURES ON DRIVERS



Executive Summary

Purpose

The purpose of this exploratory research is to identify and evaluate, through focus group sessions with trucking industry participants, those factors in the freight shipping process which appear to be related to driver hours-of-service (HOS) violations.

Background

There is widespread perception among various trucking industry representatives and observers that commercial motor vehicle operators are frequently forced to violate the HOS regulations because of the tightness of their schedules. Drivers participating in focus groups conducted prior to the 1995 Federal Highway Administration's (FHWA) National Bus and Truck Safety Summit expressed this belief. This concern was also identified as one of the top 10 safety issues by Summit participants. In addition, the National Transportation Safety Board raised this issue in its 1995 study on fatigue in heavy truck accidents, recommending that the FHWA "complete rulemaking within 2 years to amend 49 CFR Part 392 and 395 to prohibit employers, shippers, receivers, brokers or drivers from accepting and scheduling a shipment which would require that the driver exceed the regulations in order to meet the delivery deadline."

The Congress has also recommended action on this subject. The Senate Committee Report (SR103-310) accompanying the 1995 Department of Transportation (DOT) Appropriations Act stated, "the Committee requests FHWA to continue with its plans to study the pressure that some shippers and receivers exert in promoting noncompliance with regulations by motor carriers." The Congress stated this more succinctly in the Senate Report (SR104-126) on the 1996 DOT Appropriations Act, directing the Office of Motor Carriers (OMC) "to conduct a research project to determine the scope, nature, and extent of shipper involvement in noncompliance with the safety regulations." In accordance with Congressional intent, the OMC conducted this focus group study to explore the scope of the problem, identify factors that appear to result in drivers' violation of HOS rules and suggest options to the OMC and the Congress for action or further study.

Methodology

In approaching the design of a study of "shipper involvement," the FHWA examined the potential of applying both quantitative and qualitative analysis in assessing the issue. The FHWA was interested in determining the scope of the problem, which anecdotal information to date has implied was extensive but could not be documented from any analytical source. Therefore, the FHWA chose to conduct a series of focus groups with representatives of the shipping community and motor carrier industry. It was determined that this cost-effective and efficient approach would provide the basis for future evaluation of the issue with the motor carrier industry and the Congress.

Accordingly, in October and December 1996, focus groups were conducted in Baltimore, Maryland and St. Louis, Missouri with members of the trucking and shipping industries. Specifically, 10 groups were convened with 5 target audiences: carriers and brokers; dispatchers; carrier-employed drivers; independent drivers; and shippers. The 57 participants included 5 women and 52 men. Each session lasted at least 90 minutes. Moderator's guides and participant information sheets were prepared in consultation with the OMC and an industry advisory panel. Separate guides were prepared for each target audience, although major topic areas remained consistent.

This research effort was directed toward investigation of the following major issues:

- 1) What party (or parties) is responsible for exerting pressure on drivers to violate safety regulations governing HOS?
- 2) What key factors influence the setting of the original schedule?
- 3) What factors influence the ability to adhere to the original schedule?
- 4) What roles do pickup and delivery requirements (e.g., appointments, loading/unloading demands) play in driver violations?
- 5) Do some shippers' (carriers/brokers, receivers) commodities tend to put more pressure than others on carriers/drivers to exceed the HOS regulations?
- 6) To what extent have various developments (economic, social, regulatory) affected the scheduling of freight in the motor carrier industry?

The moderator solicited opinions about hours-of-service violations, scheduling procedures for pickups and deliveries, and personnel involved in picking up and receiving freight. Other major topics addressed by all groups were: loading and unloading, pressure points that influence the shipping process, and communication difficulties experienced by all parties involved. In short, participants were given an opportunity to talk about the challenges they confront.

Results/Discussion

The qualitative approach, which focused on participant perceptions and experiences, provided the FHWA with considerable feedback about the extent of the problem for participants in motor carrier cargo movements. It also provided a point from which to consider further analysis of the issue.

The information presented in this report—the facts as focus group participants saw them—reflects complex issues faced by drivers, dispatchers, carrier/brokers and shippers. No clear-cut answers or solutions emerged from the discussions. The same topic elicited varying positions and responses from different groups. Opposite viewpoints were expressed both within and among groups on the same issue. The participant responses revealed no single point where intervention would address all the problems discussed.

Key Findings

1) What party (or parties) is responsible for exerting pressure on drivers to violate safety regulations governing HOS?

Feedback from the focus groups revealed that, while multiple parties are involved, no single player in the shipping process can be held solely accountable for unreasonable scheduling and commercial driver violations of the current HOS rules. All contribute to the problem, and all have a role to play in its resolution. Shippers want their commodities moved on time. Terminal operators want cargo exchanged/arranged in certain ways and may demand driver involvement to achieve what they want. Dispatchers want to satisfy the needs of the motor carrier, while the motor carrier sales force is focussed on customer needs. Some jurisdictions impose restrictions on the hours that truckers may access their shipping and receiving locations. While these needs should be complementary and help achieve the safe and timely delivery of products, they often complicate the activities of the driver. Ultimately, it is the driver and motor carrier who are held responsible for any delay. Focus group participants stated that the driver often has very little say in the scheduling process, even though he/she is the key component in making the delivery.

In separate sessions, focus group participants offered their own individual perceptions about the issue. These perceptions were sometimes contradictory and apparently reflected a lack of communication and knowledge across the industry. In large part, this lack of knowledge of, and sensitivity to the needs, responsibilities and constraints of one another appears to contribute to the problem of driver violations.

Many focus group participants stated the belief that shipper and motor carrier sales personnel are unaware of, or do not care about, the pressures they impose on drivers. Sales personnel were said to make promises to customers before checking with the operations department. Consequently, unrealistic deadlines may be imposed in some instances because those individuals setting them

have never driven a truck and are unaware of the driving times or road conditions involved. Thus, they too readily agree to whatever deadline a customer specifies.

The role of the dispatcher was considered crucial by all group participants to the setting of the schedule. Dispatchers interact directly with the driver in setting the schedule that he/she must follow. The opinions of focus groups participants, though, varied widely on the extent of dispatcher responsibility for driver violations. Some stated that the dispatcher does not consider the driver's needs when arranging for deliveries and thus contributes to the problem. Driver participants voiced skepticism of the dispatcher's concern for their welfare and even resentment of the dispatcher's role in setting their scheduling. These drivers also noted that a good dispatcher is one who has previously worked as a driver, and, as such, is sensitive to driver needs when assigning schedules.

Various participants asserted that carriers find it easier to exert pressure on new, young drivers. Inexperienced and often burdened by educational and truck loans, they are the lowest paid and less inclined than veteran drivers to turn down unrealistic scheduling requirements.

2) What key factors influence the setting of the original schedule?

Schedules are set at various points in the shipping process. Participants noted that they are often made before a driver leaves to pick up a shipment or before products are ready to be shipped. There is also minimal driver input into the scheduling process.

All participants commented that economic pressures strongly influence the setting of the schedule and can also compromise safety requirements. A receiver who is faced with running out of inventory and having to shut down the assembly line wants a product quickly and cheaply, regardless of transit times and distance. Shipper and carrier sales and marketing personnel want to generate business, so they may be disinclined to turn down any business, regardless of how late the request is received, or how unrealistic the schedule. "The hotter the freight, the tighter the schedule," a participant noted. A carrier's dispatcher, faced with an unrealistic schedule already promised, must decide whether to satisfy the customer, or refuse the job because of liability or driver/carrier safety factors. Focus group participants stated that because the competition for freight is so intense, an unhappy customer can always find another company to take the job, in spite of an unreasonable schedule.

Most participants asserted that larger companies have more flexibility than smaller companies to accept or turn down jobs that require tight schedules. Large carriers have more trucks, more drivers and can more easily use team drivers to move freight quickly to meet schedules. Independent drivers and those with small companies stated they are under intense pressure to meet schedules set without their involvement or input.

In addition, the type of freight carried can affect the original schedule. Produce, automobile parts, toys, are among types of cargo considered "hot freight," requiring a fast turnaround. Many

participants noted that to keep a customer's business, carriers, brokers and dispatchers often accept jobs with unreasonable schedules. Consequently, drivers, who must fulfill the promises, believe they must choose between completing the job as a company directs, or satisfying the HOS regulations.

3) What factors influence the ability to adhere to the original schedule?

A delivery deadline that is initially reasonable may become unrealistic as a result of several factors. Participants across all groups stated that delays can occur all along the route. Delays can be caused by road construction, accidents, bad weather conditions, roadside inspections, vehicle breakdowns, waiting for the product or proper equipment; forced waits to load/unload goods at appointments along the way, unexpected needs for the driver to load or unload freight, repalletizing (repacking) the load; type of freight, and other circumstances. Although some of these (such as bad weather) can sometimes be predicted, schedules seldom take them into account. Why? Because the consignee's need to receive goods at a stated time is the primary concern. Pressure to meet a schedule is present regardless of delays. The problem is not that delays occur, but that the original deadlines are often not changed as needed. Carriers appear afraid to tell shippers of delays en route, although shippers say that they would prefer knowing about delays.

Participants stated that if there are delays in loading or in making intermediate stops (both frequent occurrences), drivers are under pressure to make up the time so that the original delivery schedule can still be met. As a result, according to participants, some drivers respond by exceeding speed limits or driving more hours than regulations permit to make up for lost time.

4) What roles do pickup and delivery requirements (e.g., appointments, loading/unloading demands) play in driver violations?

A major determinant of the time needed to transport goods is the time consumed in accessing a terminal and getting cargo loaded or unloaded. The need for the driver to load his/her own vehicle can often impede timely completion of a run and force the driver into excess hours in order to make delivery. Similarly, delays in accessing the unloading point can result in drivers having to make up for lost time by exceeding their on-duty hours.

Many participants noted that drivers are being inappropriately used to load and unload freight. Although union contracts offer protection from loading/unloading abuses, some union policies may also cause delays in the shipping process when a driver is not a union member. Lumpers, individuals hired by shippers, receivers or drivers, are often used to load/unload freight. Drivers may be pressured to use their services. However, drivers are still responsible for their freight and may be unable to rest because they must watch while lumpers remove or load cargo.

5) Do some shippers' (carriers/brokers, receivers) commodities tend to put more pressure than others on carriers/drivers to exceed the HOS regulations?

Focus group participants stated that certain commodities are more time-sensitive. These commodities may not be accepted by the receiver if they arrive late. In this situation, the driver may see no alternative but to speed or exceed the rules in order to make delivery. The types of "hot" freight which can place undue pressure on the delivery process include produce and other perishables, toys, hardware, steel, automobile parts, and hazardous/restricted cargo. These commodities typically require appointments, just-in-time (JIT) deliveries, waiting in line, or repalletization, which can cause loading and unloading delays.

Transporting hazardous materials often requires drivers to use restricted routes and travel during certain hours only. Focus group participants noted that these restrictions frequently add miles and delays to the trip, causing drivers to drive more hours than regulations permit and become fatigued. This often forces drivers to choose between resting and making a late delivery, or driving tired and violating the HOS regulations.

6) To what extent have various developments (economic, social, regulatory) affected the scheduling of freight in the motor carrier industry?

The ability of a motor carrier to turn down a delivery which requires a driver to exceed the HOS is frequently constrained by the economic necessity to accept the business offered and/or sustain a business relationship. Focus group participants alleged that reputable firms will reject unrealistic deadlines, but that business pressures force others to accept them or risk losing the job to another motor carrier. Participants believe that deregulation has resulted in cost cutting and greater competition for shipments, and thus many of the economic ills they experience. Drivers stated that the pressure to be on the road for longer hours has been more significant since deregulation, thus making HOS violations more likely.

Participants stated that many carriers, dispatchers and drivers feel they are not in a position to demand more flexible schedules or postponement of delivery deadlines because they do not want to lose current or future business. According to their comments, firms may turn down work involving unrealistic deadlines because they are concerned about liability, the health of their drivers, and the legal consequences of violations. However, participants stated that, as a result of deregulation, the trucking business is now so competitive that a shipper or consignee can almost always find someone who will promise a delivery at a certain time regardless of safety considerations—and, in fact, that some firms' need to get or keep business may lead them to encourage or even require drivers to violate HOS regulations.

The economic impact of deregulation on new drivers is particularly significant. Drivers with less than 5 years' experience were described by focus group participants to be at risk for succumbing to pressure from all parts of the industry. They are the lowest paid drivers in the industry and may have loans and other financial obligations to cover. Fear of getting fired for not taking runs, as

well as relatively low pay, causes them to accept jobs with tight, unrealistic schedules. They are also perceived to lack the knowledge required to understand their fatigue threshold and to accurately calculate how long they can drive before needing rest. Thus, they are vulnerable to overextending themselves, their hours of service, and committing violations of safety regulations. Finally, these drivers were also characterized by participants as being inadequately trained, particularly if all their training was received through a truck driving school.

Several groups noted that the advent of the commercial driver's license reduced the number of drivers available, consequently putting more pressure on those qualified, safe operators who remain.

JIT delivery, which is becoming increasingly common in the industry, allows little margin for error. When orders are placed at the last minute, all parties involved in the process can be forced to meet tight delivery schedules, and then every point in the schedule can become a crisis.

Economic realities (e.g., the competition for business) create dilemmas for all parties involved in shipping freight--for a driver who knows he is out of hours and needs the money to make a living; for a carrier and dispatcher who know that another carrier could take the job; for the shipper who knows that a receiver can easily take his business elsewhere; and a receiver who is faced with shutting down the assembly line for lack of inventory. As a result, participants said that operating standards are sometimes compromised.

A participant suggested that the notion of motor carrier pricing of services, based on the schedule demanded and advance notice provided, needs further exploration. Some carriers (e.g., Federal Express) have incorporated this procedure into their business. Yet, responses from focus group participants would indicate that most firms are not imposing, or may not believe they can impose, higher prices for faster, ad hoc deliveries. A broader use of this practice might enable carriers to pay for team driving or other more acceptable alternatives for delivery of high-priority freight. Although driver compensation is sometimes perceived as a causal factor in HOS violations, it was not a subject of this research project.

Recommendations/Future Directions

Industry Initiatives:

1. Better communication is needed among shippers, receivers, dispatchers, carrier/brokers and drivers so that the concerns of all parties can be taken into consideration when setting schedules for pickup and deliveries.
2. Standard scheduling guidelines should be recommended so that members of the industry can follow the same formula for setting schedules. Information on factors affecting schedules needs to be passed on whenever possible.

3. The advent of deregulation, JIT deliveries and use of appointments needs to be studied. These factors appear to have had an impact on the efficient movement of freight, and they have been said to cause unintended and serious safety problems.
4. The pressure points (e.g., competition for business, type of freight, appointments and waiting in line) in the industry must be acknowledged and workable strategies identified for coping with these realities.
5. The problems faced by drivers who are forced to load and/or unload their freight need to be acknowledged and solutions explored.
6. Comments from participants point to the need for greater use of standard pallet sizes throughout the industry. This would streamline the pickup and delivery process and reduce the necessity for driver repacking of loads and the resulting delays. Since standard pallet sizes now exist, this information needs to be more fully disseminated throughout the industry.
7. Alternative strategies, e.g., innovative pricing and planning initiatives that help reduce the pressure on drivers caused by impossible schedules, have been used by some motor carriers. These strategies need to be explored by others.
8. Truck driver fatigue awareness/countermeasures information and training sessions need to be made available to those involved in the scheduling and delivery of freight, particularly dispatchers who interface directly with drivers and set their schedules.

Individual Company Initiatives:

1. Communication and coordination at all levels *within* a company need to be improved in setting appropriate delivery schedules. Personnel need to meet to discuss the challenges they experience and to identify strategies that they employ, or could employ, to cope with the pressures of the industry. Carrier and shipper sales personnel should work closely with dispatchers before pickup and delivery schedules are set.
2. Shippers must educate receivers about realistic transit times.
3. Focus group participants stated that drivers are frequently reluctant to alert dispatchers when delays occur. Management should work with commercial drivers and dispatchers to facilitate better communication between them and thus encourage rescheduling of delayed deliveries in a way that will reduce the pressure on the driver.
4. Carriers need to work with their dispatchers to educate them about driver needs and problems. Some motor carriers require their dispatchers to ride with drivers on a recurring basis. This and other strategies could help eliminate misunderstandings and should be explored.

Government Initiatives:

Pending completion and final approval of this study, we anticipate that the FHWA will be considering recommendations such as the following:

1. Explore with the Congress expanding Federal oversight of interstate shippers, receivers and others who ship freight by motor carrier.
2. Assess the need for any changes to the current treatment of driver on-duty, not driving time, pending the outcome of active studies on driver loading/unloading requirements and scheduling practices.
3. Convene a conference or symposium with representatives of the various parties involved in the shipping process to identify and assess potentially effective corrective actions that can reduce the level of driver HOS violations brought about by improper scheduling.
4. Participate in and facilitate development of training courses and outreach materials which:
 - a) offer information about the HOS rules that could be provided to shipping organizations; and
 - b) provide awareness and understanding of fatigue and its effects on truck driver performance to shippers, carriers, and receivers.



CHAPTER 1: INTRODUCTION

1.1 Purpose

This qualitative study is a result of Congressional mandates. The Senate Committee Report (SR103-310) accompanying the 1995 DOT Appropriations Act stated, “the Committee requests FHWA to continue with its plans to study the pressure that some shippers and receivers exert in promoting noncompliance with regulations by motor carriers.” The Congress stated this more clearly in the Senate Report (SR104-126) on the 1996 DOT Appropriations Act, directing the OMC “to conduct a research project to determine the scope, nature, and extent of shipper involvement in noncompliance with the safety regulations.” Accordingly, the FHWA engaged the Calspan Corporation and Global Exchange, Inc. (GEI) to undertake the coordination, scheduling, conduct and assessment of qualitative research (e.g., focus group sessions) of commercial motor vehicle operators, shippers, dispatchers, receivers and significant others involved in interstate, truck-related commerce. To be determined was the extent to which shipper, dispatcher, freight forwarder and receiver demands (hereafter referred to inclusively as “shipper demands”) for the timely delivery of products results in operator violation of Federal motor carrier safety regulations governing commercial driver HOS.

1.2 About this Focus Group Study

The data presented in this report reflect complex issues faced by drivers, dispatchers, carrier/brokers and shippers. The way the shipping industry operates has changed within the last twenty years, participants said. All participants concurred that those most intimately involved in shipping freight do not necessarily have the time, nor do they know how to deal with the challenges they face. Drivers, dispatchers, carrier/brokers and shippers look for answers, attempting to associate problems with a particular event, such as deregulation, or a person (drivers attribute industry problems to dispatchers; carriers attribute problems to shippers; and shippers attribute problems to receivers). While an individual may assume only general responsibility for a problem, he invariably implies that another part of the system is the source of contention.

As a result, many participants expressed anger and frustration at a system where they feel powerless to change some of the circumstances they face. This report reflects the facts as participants saw them, in addition to commonalities, comparisons and contradictions across groups. Persons involved in the shipping process were given an important opportunity to talk about the challenges they confront. Readers will find that there are no clear-cut answers.

1.3 Guidelines to the Reader

Focus groups are useful research tools for marketing and communications professionals. They cannot, however, replace more traditional survey methods, where results can be statistically

analyzed and extrapolated to represent entire populations. Instead, focus groups provide an opportunity to learn more about the behavior, attitudes and experiences of small groups of individuals who have been brought together to discuss specific topics. It is important to remember that questions may not be posed in exactly the same way in each group, and respondents may influence and/or contradict one another.

In short, although a focus group is conducted in a controlled environment, the many variables affecting the group's responses are not controlled. Findings, conclusions and recommendations in this report represent the individual viewpoints of 57 participants.

This report is organized to assist readers in understanding and appreciating the complexity of the issues presented. Each section begins with an overview, providing an analysis of all audience comments. This is followed by specific audience sub-sections—which include a review of how a particular audience responded to specific issues and what individuals said about a topic. This organizational structure allows for readers to compare and contrast opinions and to more fully examine the knowledge, beliefs and attitudes of a target audience. When some of the overall responses regarding an issue appear to be similar, each audience might present a more comprehensive or detailed view of that particular problem. For example, drivers may present a specific complaint; dispatchers may paint a broader picture of how that problem fits into the shipping process; carriers may present other variables that affect that problem; and shippers, who say they are not intimately involved with that issue, might speculate on reasons why the challenge exists.

Specific guidelines for the reader of this report include:

- The term, “shipper involvement” encompasses the work of dispatchers, carrier/brokers and shippers. For all groups, the terms, “receiver,” “consignee” and “customer” were synonymous.
- Focus group participants were self-selected and were not representative of any group. This report is a non-random compilation of findings based on participant comments.
- Use of the word, “he” implies both sexes.
- While a quote reflects the thoughts of one individual, the reader should assume that the comment is representative of many participants' opinions.
- The moderator's guide was designed to elicit responses that could be compared from group to group. Depending on the audience, the same topic elicited different positions/responses. Some groups had opposite viewpoints on the same issue, and many contradicted one another.
- The term “industry” refers to both the shippers and motor carriers, unless otherwise specified.

The first question asked of all groups revealed that participants were knowledgeable about violations of motor carrier safety regulations. Participants were asked why drivers violate HOS. Participants continuously returned to these reasons throughout the discussions.

- A list of terms is located in Appendix A.
- Excerpts from the Federal Motor Carrier Safety Regulations (FMCSRs) are located in Appendix C.



CHAPTER 2: METHODOLOGY

2.1 Participant Profile

In October 1996, GEI conducted focus groups in Baltimore, Maryland and St. Louis, Missouri with members of the trucking and shipping industries. A total of 10 group sessions was conducted with 5 target audiences: carriers and brokers; dispatchers; carrier-employed drivers; independent drivers; and shippers. Due to the limited number of groups, carriers and brokers were considered as one target audience. The following grid demonstrates the breakout of groups:

Target Audience	Number of Groups		Total
	Baltimore	St. Louis	
Independent Drivers	1	1	2
Carrier-Employed Drivers	1	1	2
Carriers/Brokers	1	1	2
Shippers	1	1	2
Dispatchers	1	1	2

Total Number of Groups¹ = 10

2.2 Site Selection

The research design called for the conduct of groups at two locations. Sites were selected, in part, based on information obtained from the draft final report of the "National Intelligent Transportation Systems/Commercial Vehicle Operations (ITS/CVO) Program Requirements". The "Motor Carrier Industry Overview" component of this report organized the industry into seven "truck sheds" or geographical regions. Baltimore was selected as the first site for two reasons: first, the city was representative of the Northeast truck shed (the Boston-to-Washington corridor dominates freight activity in the Northeast), and second, for its proximity to Washington, D.C. This proximity also allowed for observation of the groups by OMC staff. GEI recommended that the second site represent a Midwest truck shed, as such a location would provide a good cross section of the industry, particularly those individuals with a cross-country perspective. St. Louis and Chicago were identified as potential sites and St. Louis was selected.

¹ The research design originally called for 12 groups to be conducted. Only ten were conducted and this issue is addressed under recruitment protocol.

2.3 Recruitment

Two separate recruitment protocols were utilized to recruit participants. GEI staff met with OMC staff to determine selection criteria for drivers. A detailed screener was developed based on the selection criteria and used to recruit both independent and carrier-employed drivers. Sample screeners are located in Appendices D and E.

GEI then identified and contracted with research field houses (also known as focus group facilities) to recruit drivers. The field houses used a variety of techniques for recruiting drivers, including in-house databases, posting flyers at truck stops and lists of sources provided by GEI. An announcement was also published in the weekly electronic version of the magazine, *Overdrive*². This announcement listed dates and locations of the groups along with contact names and telephone numbers at both field houses. Interested drivers were instructed to directly contact the field house. GEI also contacted organizations, such as the Independent Owner-Operator Association, to request recruitment assistance. A total of 12 drivers per group was recruited to ensure a "show rate" of nine participants per group. Drivers were offered a cash incentive of \$75 for their participation.

The remaining target audiences were identified through a variety of professional and membership directories. A letter was sent to a number of brokers, carriers and shippers at each site, outlining the purpose and goals of the research, the schedule and logistical details and a follow-up name and telephone number. Follow up calls were placed the week following the mailing. A total of 127 letters was sent to Baltimore and 183 to St. Louis. Names were released to the field house, once participation was confirmed. The field houses then sent participants a confirmation letter with directions.

Recruitment in both sites was a challenge because of unexpected events. The Baltimore groups were difficult because of a highly publicized motor carrier enforcement case. The owner of Gunther Transport in Hanover, Maryland, had been found guilty of Federal Motor Carrier Safety Regulations violations earlier in the year. He was sentenced and fined two weeks prior to the conduct of the focus groups. This event had repercussions on the recruitment effort and many potential participants were highly suspect of the research when contacted via the telephone.

GEI initially was not able to recruit sufficient participants for the Baltimore dispatcher group. Recruitment of dispatchers was conducted via the letter sent to carriers mentioned earlier in this section. When dispatchers were contacted by telephone, many were unable to participate due to work schedules, and others were not interested. A few stated that it was company policy not to participate in studies or surveys. The October dispatcher group was canceled and rescheduled for a later date. With the assistance of carrier and shipper groups, who provided names and recruitment suggestions, GEI recruited and conducted a dispatcher group in Baltimore in mid-December 1996.

² *Overdrive* magazine is published by the Randall Publishing Company to provide information to owner-operators about equipment, government regulations, business topics and trucking industry issues.

The shipper group proved to be difficult to recruit as well. While shippers were contacted in and around the Baltimore area, only enough participants for one group were found. Many shippers were too busy to attend the groups, some had scheduling conflicts and others were simply not interested. Again, it is believed the Gunther case affected the recruiting effort in Baltimore.

St. Louis shipper recruitment was equally challenging. As in Baltimore, some individuals were not interested, others were too busy and several had scheduling conflicts, particularly since the group was being held on the last business day of the month. Some participants were also aware of the Gunther case, but were not as guarded as their Baltimore counterparts. Additionally, many shippers were willing to participate until they were told that groups were to be held on Halloween; some individuals canceled, stating the need to be home. As a result, only enough participants were recruited to convene one shipper group at this site.

In conclusion, recruitment was more time and labor intensive than anticipated. Only 10 of the planned 12 groups were conducted. Since Baltimore sources had been exhausted, GEI suggested the option of conducting the remaining shipper groups in Philadelphia. However, this option would have required additional funds that funding limits could not support. Therefore, no additional focus groups were held.

2.4 Logistics

Focus groups were conducted in field houses in both locations. A field house is a research setting that is typically comprised of a mirrored conference room, an observation room, audio and video recording equipment, a phone room to recruit participants and an office area.

2.5 Preparation of Research Materials

The moderator's guides and participant information sheet were prepared by GEI in consultation with the OMC and an advisory panel. A separate guide was developed for each audience; however, discussion topics were consistent throughout. These topics included opinions about HOS violations, processes used for scheduling and individuals involved in the scheduling of shipments and delivery of goods.

2.6 Conduct of the Focus Groups

Groups were conducted by James Swinehart, Ph.D. and lasted at least 90 minutes each. Five groups were held in Baltimore; 5 groups were held in St. Louis. A total of 57 individuals participated, comprised of 5 women and 52 men. The all-male driver breakout was 12 independent drivers and 14 carrier-employed drivers. There were 11, all-male representatives of carriers and brokers. There were 10 dispatchers, 2 of whom were women. It is also important to note that

while all dispatchers in St. Louis were former drivers, none of the dispatchers in Baltimore had driven. This was not part of the screening criteria and this information surfaced during the conduct of the groups. Finally, 10 individuals represented shippers, 3 of whom were women.

Target Audience	Number of Participants		Total
	Baltimore	St. Louis	
Independent Drivers	7	5	12
Carrier-Employed Drivers	8	6	14
Carriers/Brokers	5	6	11
Shippers	6	4	10
Dispatchers	5	5	10
Total Number of Participants			57

CHAPTER 3: FOCUS GROUP FINDINGS

3.1 Scheduling

Analysis of all focus group comments revealed that several factors, including the nature of appointments—e.g. waiting in line, JIT deliveries, tight schedules, bad weather and rerouting/road conditions can affect a schedule. These variables leave little room for delays that can occur, participants said, and the pressure they apply on drivers can lead to safety problems and HOS violations. Delays are not usually taken into consideration when schedules are set, confirmed most groups. This view was contradicted by many shipper participants who stated that either the possibility of delays was factored into schedules when schedules are made or schedules might be adjusted if a shipper was notified of delays in ample time. Virtually all participants noted that, depending on their position in the process, they had either been turned down for unrealistic delivery or pickup schedules, or they had refused to bid or accept a job because of unrealistic schedules.

Responsibility for scheduling can be elusive, said all participants. No one party is totally responsible for setting a schedule. Likewise, schedules are set at various points of the shipping process. All parties involved have differing opinions on where the problems are, who is responsible and how scheduling problems are solved.

3.11 Who sets the schedule?

General conclusions

There was no consensus on any one particular individual, or office, who was totally responsible for setting a schedule. According to drivers, the dispatcher sets the schedule; according to dispatchers, the carrier's sales personnel are responsible; according to carrier/brokers, the shipper and receiver are responsible for setting the schedule; and finally, according to shippers, the shipper's sales personnel set the schedule, based on receiver or customer demands.

While each audience asserted that someone else was responsible for setting a schedule, particular emphasis was placed on dispatchers, brokers and sales personnel. Their roles are important to the scheduling process and participant impressions are discussed below.

Dispatchers

All groups concurred that dispatchers are pivotal to the shipping process. Dispatchers determine job feasibility by analyzing shipper and carrier needs, driver and equipment availability, safety requirements for the type of freight to be delivered and the amount of potential carrier income to be generated. A dispatcher's job, noted most groups, is challenging because different agendas must be considered when developing a schedule.

Drivers who participated in this study were critical about dispatchers and their role in scheduling. The participants in the carrier/broker, dispatcher and shipper groups displayed a more comprehensive understanding of the dispatchers' challenging job.

Interpretation of what makes a good dispatcher and how well he does his job varied across audiences; for example, while independent drivers said that dispatchers were important to the shipping process, they were also critical of dispatchers. Their opinions seemed one-dimensional because their focus was on the driver/dispatcher relationship only. They said that dispatchers place the carrier's needs over their own. A dispatcher in most cases is the point of contact for an independent driver. If a schedule is tight and the pressure is on, the dispatcher will be the one to tell the driver.

Both independent and carrier-employed driver groups believed that some dispatchers receive percentages or bonuses for successful pickup and delivery of freight—"why else would they pressure drivers to fulfill unrealistic schedules?" Neither group presented concrete evidence that these assumptions were true. Despite driver statements, both carrier and dispatcher groups emphatically denied the existence of percentages or bonuses.

Particular to carrier-employed drivers was a discussion about the utility of a dispatcher's past truck driving experience and how this affects his ability to understand the repercussions of his scheduling responsibilities. Most carrier-employed drivers believed that many dispatchers had never driven a truck; some drivers said that this impedes a dispatcher's ability to understand what it is like to be a driver. This assumption may have some validity. According to the dispatchers who had driven (5 out of 10 individuals), their experience assisted them in making scheduling assignments.

While carrier-employed driver opinions about dispatchers were critical, these drivers also understood the comprehensive role that dispatchers play in the shipping process. Perhaps this is because carrier-employed drivers and dispatchers are a part of the same company, unlike independent drivers who are freelance.

Carrier-employed drivers and carrier/broker participants provided a comprehensive picture of a dispatcher's job. Both audiences said that a dispatcher serves a variety of roles—from salesperson to the individual who can either make or break a driver's experience. The ideal dispatcher, they concluded, is someone who knows the roads, knows the drivers and knows when and how to "say no" when unrealistic jobs arise.

When talking about themselves, dispatchers concurred that while many parties—the shippers, brokers, carrier's sales and traffic personnel, driver and receiver—are all partially responsible for setting a schedule, it is a dispatcher's job to determine how a schedule should be implemented, both safely and cost efficiently. Dispatchers also acknowledged that successful shipment of freight depends on a positive relationship between a dispatcher and driver. Dispatchers concurred that this relationship can be stressed at times by the nature of the industry.

Shipper participants noted that they rarely have contact with drivers. As a result, dispatchers serve as points of contact between drivers and shippers. The dispatcher's role is important, concluded

these participants, because dispatchers control the flow of information. Successfully meeting schedules depends on their ability to communicate information quickly and accurately.

Sales personnel

All groups with the exception of the independent drivers, focused on sales personnel's role in setting schedules. While sales personnel can generate business, their pickup and delivery promises are often made without consulting dispatchers and/or traffic personnel to determine if such a promise is realistic. Shipper, carrier/broker and dispatcher groups confirmed that this is a problem they often face. The challenge, they noted, is to educate sales personnel about realistic traveling distances and times, freight restrictions and to contact them *before* promises are made.

Brokers

The carrier/broker and shipper groups confirmed that a broker's activities can contribute to scheduling challenges (few brokers actually participated in the focus groups). Brokers compare rates among carriers, and their decision to go with one carrier over another invariably depends on rates, participants said. Opinions about how brokers do their work varied according to the audience. For example, carrier opinions about brokers were generally negative. The broker, according to carrier participants, cares only about moving freight as quickly and as cheaply as possible, regardless of the repercussions. Some carrier participants said that brokers get a percentage of the load. Most participants believe that the broker is a non-responsible party, and once the freight is on a truck, delivery responsibilities fall on the carrier.

Shipper group participants held varied perceptions regarding the use of brokers. Some confirmed that they did not trust brokers, while others said that their role was critical.

At what point is the schedule made?

Schedules can be set at a number of points within the delivery process, confirmed all groups. The shipper's sales personnel make delivery promises when they hear, "I want the product now," from the receiver; the dispatcher sets a schedule when he receives a call from the carrier's sales personnel that a pickup and/or delivery is needed; the driver sets his own schedule depending upon such factors as the kind of freight already on the truck, destination points and time allotment per load.

There was a consensus among most participants that schedules are very often made *before* a driver leaves to pick up or deliver a shipment and that potential delays are not taken into account when a schedule is set. Shippers said they did take potential delays into account *whenever possible*. With the use of appointments and JIT, they noted, there is little room for delays. Few concrete solutions were offered across groups, with the exception that when delays do occur, communication between a dispatcher and driver and a dispatcher and shipper is critical.

Individual audience analysis follows. The questions, "who sets the schedule, and at what point is the schedule made?" are addressed separately.

3.111 Independent drivers

Who sets the schedule?

All independent drivers asserted that dispatchers set pickup and delivery schedules. Regardless of the fact that independent drivers work with a number of dispatchers, there was a general consensus among independent drivers that dispatchers were concerned not with driver welfare, but with making money. “[Dispatchers] don’t care a rip about you. You can go out there and turn your truck over and when you call on the telephone [they ask you], ‘well how bad was the steel hurt?’ They don’t ask you how you’re doing,” said a driver. Additionally, the majority of the participants thought that dispatchers get bonuses on loads shipped.

At what point is the schedule made?

Many of the independent drivers stated that schedules are made before a driver leaves to pick up a shipment. Many further noted that, when schedules are made, delays are not taken into consideration. There is a perception that schedules can be unpredictable and unrealistic. Most independent drivers stated that they would put safety over fulfilling the requirements of a tight, unrealistic schedule. Concluded one independent driver, “Poor judgement on your [the shipper’s] part doesn’t make it an emergency on my part...I’m not jeopardizing myself and I’m not losing what I’ve worked for, for 26 years to try to get a hot load [loads that requires quick turnaround] on the road...”

3.112 Carrier-employed drivers

Who sets the schedule?

Carrier-employed drivers asserted that shippers are responsible for setting up schedules; dispatchers set schedules in-motion; and driver’s follow-through on schedules. These participants, unlike their independent counterparts, presented a comprehensive understanding of a dispatcher’s role. They stated that a good dispatcher does not make promises that a driver cannot keep. Concluded one driver, “[A] good dispatcher is part driver, part salesman, part schmoozer. [He] can get that customer on the phone and say, ‘You know, I can run my driver hard and maybe have him there or maybe your load can wind up in a ditch. If you want to go to another company and take that chance, more power to you.’”

Carrier-employed drivers were divided on whether dispatcher driving experience hindered or helped the accurate scheduling of pickups and deliveries. “Seventy-five percent of dispatchers have never been in a truck...,” said a carrier-employed driver. One participant commented that his company required the dispatchers to become more sensitized to a driver’s job. “Our company requires dispatchers to go on a truck on a trip every six months so they know what we’re going through,” said the driver.

Similar to their independent counterparts, participants believed that dispatchers receive bonuses for moving loads. Said one participant, "He [the dispatcher] tries to put more pressure on and tells you a false [delivery] time and makes you bust butt so that he winds up with a bonus for sitting there on the phone in the dispatcher's office."

Regardless of what the carrier-employed drivers believed about dispatchers, they all concurred that a dispatcher's role was pivotal. Said one participant, "Everything goes to hell when he is on vacation." Participants seemed sensitive to the pressures that dispatchers are under, as well as the often confusing roles that other individuals play in setting up schedules. As one participant observed, "...[You're] [the dispatcher] trying to please the customer, and he's dictating to you, as a dispatcher or terminal manager [you hear], 'all right I need this tomorrow.' What are you supposed to say? 'No, I'm not going to.' But that's going to blow a \$150,000 a year account. It's the shippers and the receivers [who]...are demanding the service from the company."

At what point is the schedule made?

Neither carrier-employed driver groups focused on this issue. Rather the emphasis was on the parties involved in setting up a schedule.

3.113 Dispatchers

Who sets the schedule?

Both dispatcher groups said that they were partially responsible for setting up schedules. However, they focused on procedure and then discussed the pitfalls of the system. The first step in the scheduling process is to bid on a particular job. The job may come directly to a dispatcher who has been asked to provide a rate. Said one dispatcher, "As a dispatcher, you're also a salesman...Someone will call asking for a rate. I'll ask him, what is the commodity, where are we picking up from, where are we delivering to and is it hazardous materials [hazardous materials]. I offer a package price for the whole thing, [which includes an estimate of] how long will it take to get the job done, how much the driver [should] make off of the job and how much the company should make off of it."

Many of the dispatchers shared how they set rates. Some rates were set by miles per hour (range discussed: 45-55 mph) or by distance (if a pickup or drop-off point is 700 miles, it will take "x" amount of time to get there for "x" amount of dollars, depending upon shipper scheduling needs).

Also acknowledged was the role of a carrier's sales personnel. Many participants felt that customer service representatives or the sales staff make pickup and delivery promises and dispatchers have to follow-through on what has been promised. Communication between sales personnel and dispatchers is important, noted many participants. *They concluded that smart sales personnel will ask a dispatcher if a pickup or delivery is possible before a commitment to a shipper is made.*

Dispatchers serve many roles for carriers—setting rates, talking to customers, scheduling pickups and deliveries, scheduling repairs, doing the payroll and completing other office management functions. Regardless, many dispatchers agreed that, “You have to be five-six steps ahead of where you think you actually want that truck [to be]...If you don’t, you’re dead in the water. You’re not going to be moving drivers, it’s going to be a mess...”

The majority of dispatchers said that the pressure they encounter to pickup and deliver puts additional pressure on drivers to produce. This might be a reason why drivers thought that dispatchers get additional bonuses, speculated half of the participants. All dispatchers confirmed that they were being paid by a salary and did not receive bonuses under the table. However, many had heard of dispatchers receiving bonuses for successfully meeting tight schedules.

At what point is the schedule made?

Clearly, the initial schedule is set up after a bid to do a job is accepted. Some of the dispatchers shared how a schedule was set up. For example, one Baltimore dispatcher who handles primarily less-than-truckload (LTL) freight, said that his trucks make 15 to 25 stops per day. The trucks go out full and come back full. The operation is run on an hourly basis and he dispatches geographically so drivers are not wasting a lot of time. It pays off because it saves time, fuel, etc. Concluded another dispatcher from the same group, “I know what my power is and what is scheduled for the next day.” He concluded that the decision of whom, when and where to schedule was an established routine. Another dispatcher said that pickup and delivery decisions were predicated on if it put him in line to receive the next load. If the dispatcher had a number of trucks in the designated area, he might be flexible; if trucks were not available and the job did not put him in a position to pick up the next load, the job might be turned down.

Participants said that jobs are turned down if they set the carrier and driver up for failure, even though there might be pressure to accept such jobs. Commenting on this challenge, a dispatcher said, “You’ve got to have the discipline to say, ‘this is not what we do.’ It’s not easy. I can tell you, to sit there and tell someone that you do not have a person...in place who has the time to do what they want, there’s that implied pressure upon you, ‘what do you mean you can’t do it? You’re my guy...’”

3.114 Carrier/brokers

Who sets the schedule?

Most carrier/broker participants concurred that many parties are involved in shipping freight. Salespersons, brokers, dispatchers and shippers promise deliveries; drivers and carriers are held responsible for getting freight to its destination.

Carrier/broker participants asserted that dispatchers hold pivotal roles in moving freight. A dispatcher is responsible for making freight move smoothly and efficiently from one point to

another and he can make or break a company or a driver. Dispatchers keep everybody happy, they said, including sales personnel, shippers/receivers and drivers.

Participants were told that drivers were convinced that dispatchers received a percentage off of loads. All participants stated that their dispatchers are on salary only, and they do not provide bonuses based on individual pickups and deliveries.

Carrier-broker groups also talked about a broker's role in setting schedules. Many participants were critical of brokers. They said that brokers make promises to shippers and pass the pressure onto carriers. Said a group member, "He [the broker] doesn't care when he puts a load of freight on that truck whether the driver's got hours, doesn't have hours, whether the guy just ran three days straight off the west coast or to the west coast. All he's interested in is moving a load cheap." This comment is supported by a discussion about the use of broker boards, a mechanism to recruit drivers who can move freight as quickly as possible. Loads that need to be taken from point "A" to point "B" are posted on a television screen at truck stops. Available drivers call posted telephone numbers to acquire additional information. While a significant amount of freight is moved this way, "load posting is a very scary system, because you don't see the equipment... you don't see the driver...you don't know whom you're dealing with," said a participant.

At what point is the schedule made?

According to carrier/broker participants, schedules can be set at different points of the shipping process. A schedule could be set at the last minute, or it could be set once a bid is accepted. The process may begin with a call from a broker who asks for a bid. The receiver or customer on the other end can also put the pressure on a carrier. Stated one participant, "They've [the receiver] got a young clerk that they're paying a little above minimum wage to answer the phone, ...'by the way we need for you to set up the trucks for these shipments.' In my opinion, the shipping public, whether it be a shipper or [receiver]...do not take our end of the business seriously. It's like an after thought." Both groups agreed that ultimately, it is a carrier's responsibility to get the truck there on time, regardless of where the process begins.

One group focused on the process of how schedules are developed. A participant summed it up: "When a customer calls us, we try to find out the course of the destination, location, etc...before we price it up because we don't accept any orders unless we know what the requirements are." Every carrier has a formula for establishing rates. For example, one carrier noted that local, short and long haul pricing varies according to the requirements. Stated another participant, "We need to generate so much dollars—so much revenue on the truck—before we even consider moving something from point A to point B." Another participant stated that at average of 500 miles a day is used to factor rates.

Regardless of when the schedule is made, carrier/broker participants confirmed that they would, and had, turned down work because of an unrealistic schedule. They were aware of their limitations and were not about to take unnecessary risks: "If we feel the requirements are unrealistic we let them [the shipper] know we can't do it. We do turn business down...We don't guarantee the schedule unless it is a realistic schedule," confirmed a carrier/broker representative.

3.115 Shippers

Who sets the schedule?

Shippers confirmed that no one person or party is solely responsible for setting a schedule. As in other groups, a wide variety of individuals are involved. As one participant summed it up: “Not any one of us has complete control over the entire situation. There are a lot of factors involved.”

The shippers focused on the role of the receiver in setting a schedule. Overall, most participants agreed that schedules were dictated by the needs of customers or receivers. Shippers then take responsibility to make pickups and deliveries happen. Shippers then place pressure on carriers; carriers place pressure on dispatchers; and dispatchers place pressure on drivers.

The pressure is not only external but internal. The participating shippers represented traffic departments of companies rather than sales departments. Their perspectives on who applies pressure to meet schedules provide insight into the relationships between traffic and sales personnel. These participants said that their sales personnel may not understand the challenges inherent in shipping freight. They said that in some circumstances, sales personnel believe that a sale is more important than if a proposed schedule was unrealistic. “Obviously our sales people don’t want to lose the sale to someone,” stated one participant. “...Instead of making the phone call [and asking], ‘Can we get it there first and how long will it take it to get there? they promise it to them—we’ll get it for you.’”

Some shippers said that they used brokers in moving freight. The brokers’ roles, however, varied—some shippers did not use brokers at all while others acknowledged that they were extensions of their office.

There was some discussion among shipper representatives about the process by which a schedule is set. Each shipment is analyzed according to the needs of the shipment and a bid is made and accepted. Many of the shippers concurred that there is little to no contact with the drivers. If there is a change in a schedule, the shipper is notified by a dispatcher.

At what point is the schedule made?

There was a general consensus among shipper participants that a schedule is made at various points throughout the shipping process. Much seemed predicated on whether the freight required a tight schedule or not. The “hotter” the freight, noted the shippers, the tighter the schedule. One shipper noted that some pickups are not set up until the freight or product is ready to be moved. Still, other shippers talked about the need to schedule pickups and deliveries at the last minute.

All shipper participants had carriers turn down jobs because of unrealistic schedules. Concluded a participant, “[This] happens all the time. [Your] core group of carriers...may not be available. [I call another carrier; he tells me that there isn’t a]... reasonable transit time. They give you an alternative...”

3.12 What affects the schedule?

General conclusions

Participants across groups agreed that delays are commonplace. Delays are not only frustrating, but can also contribute to safety violations. The presence of appointments, JIT and tight schedules causes the most problems, noted participants. Additionally, bad weather, equipment breakdowns, circuitous or congested routes and frequent inspections can be sources of further delays. These circumstances are discussed below.

Appointments

Scheduling appointments for pickups and deliveries is becoming standard practice, confirmed all groups. All participants concurred that a driver who is given a specific appointment time, commonly finds that there are 10 trucks in front of him that also have the same appointment time. When a driver is held up at an appointment and waiting time increases, the resulting delays impact other scheduled pickup and delivery times. Likewise, freight that is not picked up or received on an appointed day will be scheduled for the next day or later, thus causing even lengthier delays.

These challenges led drivers, dispatchers and carrier/brokers to believe that shippers do not take appointments seriously. In response, shippers acknowledged that setting appointments was not an exact science and there are problems inherent in the system. Some said they attempt to keep waiting time to a minimum, on average of up to two hours.

Finally, all groups agreed that schedules are very rarely adjusted when appointments cause delays and drivers can be held responsible for meeting original deadlines. This situation can place a carrier in a position of either meeting client needs and potentially violating HOS and other safety regulations or keeping a driver legal.

JIT deliveries

Participants said that JIT and last-minute orders are commonplace. In theory, JIT saves money because products are not produced until they are needed—thus, “just-in-time.” The problem, according to most participants, begins when orders are placed at the last minute and unrealistic pickup and delivery promises are made. *Carrier/brokers said promises are based on the old belief that products are waiting in warehouses to be shipped, when in reality, products are still on the “assembly line.”* JIT creates a vicious cycle, all groups agreed, that allows for little margin for error. Thus, parties involved in the process can be forced to meet tight delivery schedules, so every point in a schedule has the potential to become a crisis.

JIT strikes at the balance between satisfying the customer and staying within the rules. Delays are inevitable in this environment, confirmed participants in all groups. Customer requirements that dictate delivery of product “yesterday” can place a carrier in a position of either satisfying a customer or compromising on the safety side. JIT creates a climate where freight needs to be

delivered as quickly and as cheaply as possible. A driver who is out of hours may be asked to return to the road and a carrier may accept a job because he knows that a competitor can easily take his place. In these situations, economics can compromise safety requirements, said participants. While such decisions are commonplace within the industry, participants said that they do set limits. Jobs are refused if they place a driver's safety and ultimately a carrier's liability in jeopardy.

Tight schedules

All groups concurred that tight schedules are normal in the trucking industry and they can place tremendous pressure on all parts of the shipping process. *Most participants said that JIT creates tight schedules.* For most groups, "tight schedules" were synonymous with "JIT." With less inventory on-hand, a receiver who does not understand transit times and distances, calls and wants a product immediately. As a result all parties involved rush to meet crisis deadlines.

Acceptance of tight schedules within the industry, according to dispatchers and carrier/brokers, is also based on the availability of carriers who are in the business of fulfilling tight schedules—UPS and Federal Express, for example. Their presence in the shipping industry has created a precedent and standard that other carriers may be unable to match.

All participants said that communication between a shipper and dispatcher is key to successfully meeting tight scheduling requirements. When asked how they would want a carrier to respond to an unrealistic schedule, shippers concurred that it is better to have a carrier be honest and not to make promises that are impossible to keep.

On the other hand, dispatchers acknowledged the difficulty of keeping a customer (shipper) happy and staying within the legal limits to do a job. An unhappy shipper can take his business elsewhere and then the carrier and driver lose, they confirmed.

Shippers said that they have been turned down and have refused jobs because a schedule was too tight and thus unrealistic. Likewise, carriers, dispatchers and drivers have refused jobs for the same reason. Driver/carrier safety and liability were decisive factors across groups.

Ultimately drivers are responsible for fulfilling all schedules. Both independent and carrier-employed drivers believed that accepting a tight, unrealistic schedule was more of a problem for inexperienced drivers who need the money in order to survive (there were no young drivers in the groups). Saying "no" to shipper demands, they said, comes with years of experience.

Bad weather and equipment breakdowns

Both independent drivers and dispatchers concurred that weather conditions and the delays they can cause are not taken into consideration when schedules are developed and implemented.

All drivers and shippers were concerned about equipment breakdowns and how they can affect schedules. Drivers agreed that the possibilities of breakdowns are not taken into account when

schedules are planned. Additionally, many drivers said that they are sometimes asked to continue driving even with faulty equipment. While shippers are aware that breakdowns can cause delays, at times they are skeptical about driver honesty. Many shippers said that “equipment breakdowns” are used as excuses for late pickups or deliveries.

Rerouting

Schedules can be profoundly affected by rerouting, caused by:

- State requirements (some states provide maps to drivers that prescribe where freight can be moved, particularly if it is hazardous material);
- Accidents; and
- Carrier instructions (some carriers request that drivers avoid costly toll roads).

Drivers may go up to 100 miles out of their way in order to meet these requirements and the time lost due to rerouting is not taken into consideration when schedules are made, drivers confirmed. Shippers said that they were aware of routing restrictions and planned their schedules accordingly. Perhaps this contradiction reflects a communication challenge between drivers, carriers and shippers.

Inspections

Inspections were major concerns among independent drivers only. All participants concurred that there are too many inspections and not enough coordination among jurisdictions concerning inspection frequency.

In conclusion, most participants, with the exception of shippers, said that appointments, JIT, tight schedules, bad weather and equipment breakdowns, rerouting and frequent inspections are not taken into consideration when schedules are planned. Nor are schedules adjusted when such situations arise. Some shippers said that schedules are adjusted when they are given ample notice. However, shippers admitted that receiver demands sometimes make it impossible for schedule changes to be made.

All participants confirmed that effective communication is critical when these circumstances occur and yet, groups concurred that a lack of communication exists. As stated in Section 3.4 Communications Issues, efforts are being made to establish better communication as a priority.

3.121 Independent drivers

All independent drivers concurred that appointments, tight schedules, weather conditions, equipment breakdowns, rerouting and inspections can affect a schedule.

Appointments

At least half of all drivers experienced having a specific appointment time, only to find that other trucks were scheduled for the same appointment. Drivers are expected to wait their turn and if they get out of line, they lose their position. Sometimes drivers arrive and receivers will not accept a shipment past a certain time. The driver is forced to wait until the next day, which can impact a driver's entire weekly schedule. Appointments brought up three critical issues for drivers:

- Waiting in line does not allow drivers to rest;
- Drivers are still expected to meet other appointments regardless of delays; and
- Waiting time, for many drivers, is considered non billable hours (they may not be paid for waiting in line).

Tight schedules

The majority of the drivers confirmed that they are often asked to take responsibility for tight, unrealistic schedules. They said that the advent of tight schedules began with deregulation, which opened the doors for more competition. Now more than ever, independent drivers are being forced to look at each job closely to determine whether problems inherent in meeting tight schedules are worth the trouble. The drivers confirmed that an independent driver is a business person who has to constantly watch the bottom line. Stated a Baltimore driver, "I know what my operating costs are per truck, per mile. If the freight don't pay what it's going to cost me [for my operating expenses—tires, brakes, oil, fuel], it's cheaper for me to let my truck sit."

At least half of the participants believed that the origin of tight schedules begins with the receiver and the shipper. The shipper sells the product to the customer/receiver and the delivery schedule is usually set by the time the driver is hired.

The type of commodity being shipped usually dictates how tight a schedule will be, said the drivers. For example, produce and automobile parts are two commodities that require tight schedules. This issue will be addressed in Section 3.33.

Bad weather and equipment breakdowns

Many independent drivers noted that shippers and carriers do not factor in bad weather or equipment breakdowns when schedules are made. Drivers are still expected to meet schedule requirements regardless of delays that are caused by these conditions, they said. Additionally, the drivers noted that "these conditions do not pay." Said participants, "When the wheels do not turn, the driver is not making any money."

Rerouting

Routes may be dictated by the freight or commodity shipped. For example, some states require that drivers carrying hazardous materials travel only on designated routes, which can impact a driver's HOS. Not only can rerouting cause delays in arriving at an appointed location, noted the drivers, but if the routes are not followed, drivers can be fined.

Inspections

Many drivers concurred that there are too many inspections, too much enforcement and not enough coordination among jurisdictions. Baltimore drivers said that they were being inappropriately stopped for inspections. Said a driver, "I came through the harbor tunnel at 10:00. They [law enforcement officials] stopped me going southbound...my truck passed the inspection...Once you pass inspection, they're supposed to give you a sticker recognizing that you have a safe vehicle. They won't give me a sticker, because, 'we're not qualified...[to give it out].' I go through, get unloaded, 10:25 I come through northbound. They stopped me and reinspected me. I said, 'I just was in inspection over there.' [They] couldn't find anything wrong with the truck again. So I asked...for a sticker, and [was told], 'oh no, we're the Tunnel Authority, we can't give it to you.' They let me go...At 6:00 that evening they stopped me northbound and wanted to see my log book [log book had been reviewed during previous inspections that day]."

3.122 Carrier-employed drivers

Carrier-employed drivers said that appointments, tight schedules, number of daily scheduled deliveries, special shipper circumstances, bad weather and equipment breakdowns and rerouting affect schedule outcomes. These factors can cause delays and as one Baltimore participant concluded, "In your own mind, right or wrong, you're fighting yourself all day long. Every time [you] run into a snag, it puts [you] back a load, it puts [you] back a half a day..."

Appointments

Virtually all drivers had experienced waiting in line for appointments. A participant recalled on one stop that 27 trucks were scheduled at the same time. No bills were signed until all 27 trucks were unloaded. Every driver was expected to help.

Additionally, drivers can be placed under significant pressure when appointments are made *before* verifying driver availability and if a driver is late for an appointment, shippers can refuse the freight. As a result, a driver may be forced to carry that load for a number of weeks. One driver said that he was 20 minutes late for an appointment and he was forced to carry this load for two weeks before he could be rescheduled. Participants suggested, "If the delivery appointment was not set until the time the driver was actually loaded...and ready to pull away from the dock...[that would work better.]"

Tight schedules

Tight schedules were a reality for carrier-employed drivers and deregulation was mentioned as a reason for the advent of tight schedules. Participants noted that pressure to get freight from point A to point B “yesterday” has always existed. Most participants commented that in the past, the pressure was to increase revenues. Today, the pressure is out of necessity because the competition for freight is so intense. Carriers are making less money than they used to, and according to drivers, carrier expenses are also higher than they were in the past.

Carrier-employed drivers said the acceptance of a tight schedule was based upon one’s experience. Less experienced drivers are more likely to accept the terms of a tight schedule, they noted.

“...They’ve got to take anything to pay those loans back, then they’ve got to try to feed their families, so they’ve got to accept almost everything and anything,” said a Baltimore driver. A St. Louis driver reminisced, “When you’re younger, you run like crazy. Now you can’t keep up the pace.” These drivers said they would turn down a job if the schedule seemed unrealistic.

Drivers said they receive mixed messages about fulfilling tight schedules from their carrier-employers. They talked about the carrier’s message of getting freight to its destination safe, but fast. “[My] boss tells me to get a load there ASAP but in a safe manner. Does that make a lot of sense? Get it there as fast as you can, but do it in a safe manner,” said a participant.

Carrier-employed drivers also concurred that the type of commodity can dictate how tight a schedule can be. Long haul, perishable loads and car carriers are notorious for tight schedules, they said. This topic will be discussed in Section 3.33.

Number of daily scheduled deliveries

Carrier-employed drivers said that if too many deliveries are scheduled for one day, the possibility of delay along the way increases. A driver’s daily and/or weekly schedule can be affected by an over-booked calendar.

Special shipper circumstances

Sometimes a schedule may be adjusted when a shipper who is a repeat customer gets anxious about a delivery. As a result, the schedule gets reorganized in order to keep future business.

“[The shipper will call the dispatcher and ask, ‘Where’s my freight? Where’s my freight?’ To keep the customer happy, you’ve got to...[drop off his freight first].”

Bad weather and equipment breakdowns

Few scheduling allowances are made for bad weather, noted participants. Bad weather causes delays and drivers said they are sometimes forced to stay on the road in order to meet deadlines, regardless of whether they are tired and/or out of hours.

Equipment breakdowns can cause problems on a variety of fronts. A participant noted that if a driver tells the carrier that there are problems with his truck, the carrier may not want to hear about it; in some instances, the carrier wants the driver to take the truck out anyway. In either case, drivers lose, participants said. If the truck is in the shop, the driver might lose a day's pay. If an inspection reveals faulty equipment, the driver can be fined and further delayed.

Rerouting

While drivers said that rerouting can ultimately cause delays in the final pickup and delivery of freight, it is not necessarily taken into consideration when schedules are made. "These things are never taken into consideration. A central dispatcher looks at a map and sets [a route] from point A to point B," confirmed a participant.

Additionally, some dispatchers do not have the routing information they need in order to effectively plan a driver's route, said participants. They noted that some dispatchers use a computer system known as the PC Miler to calculate distances between pickup and delivery locations. This system uses the distance from post office to post office as a measure for scheduling shipments. *The drivers said that dispatchers may not know the distance between actual pickup and delivery locations.* This can cause scheduling problems, participants said, when a post office is miles away from a target destination.

3.123 Dispatchers

Dispatchers said that appointments, JIT, tight schedules and bad weather affects schedule outcomes. All these factors can cause unexpected delays.

Appointments

Both dispatcher groups confirmed that appointments can be a problem for drivers and dispatchers. "Appointment times mean nothing. [Customers tell you to] hurry up and get there and then hurry up and wait when you get there." Dispatchers feel the repercussions of appointments in a different way than drivers because they are responsible for rearranging schedules that have been altered because of appointment delays. Dispatchers contact shippers and receivers about resulting delays and attempt to negotiate new pickup and delivery times.

JIT deliveries

The need to satisfy a customer and also meet HOS requirements are challenging, noted the dispatcher groups. Orders are placed at the last minute, since the trend is not to tie up inventory in a warehouse. If a shipment is not delivered when it is needed, problems ensue. Add waiting to the JIT equation and the stakes become even higher. A dispatcher's role is critical in such circumstances. *Dispatchers said that effective communication is key to successfully handling JIT deliveries.* A participant said, "...Anytime...we're not going to meet the window, prior to even leaving the [pickup location]...if you tell them [shippers/receivers] ahead of time, they will have the

ability to adapt...They may not like the costs associated with it, but air freighting something for \$3,000 is a whole lot less than letting the line go down for \$20,000 per minute.”

Tight schedules

While dispatchers agreed that tight schedules cause drivers to be on the road for too many hours, they also said that drivers may not have a choice but to fulfill tight schedules. Dispatchers must keep shippers and drivers happy; stay within the legal limits; and meet the terms of a schedule whether they are realistic or not. A dispatcher knows that an unhappy shipper can take his business elsewhere.

Tight schedules, to dispatchers, meant unrealistic schedules and all had turned down a load because a schedule's components could force a driver to run illegally. "...If I tell the man [shipper] I can't have it there, he's got two choices. He can pull the load from me or he's going to take responsibility [for the load] because now he's telling me that I've got to force my equipment to run illegal...", said a Baltimore dispatcher. If a driver is caught running illegally, not only is the carrier blamed, but the dispatcher's job may be at-risk. A St. Louis dispatcher confirmed that if the carrier's president heard of a driver being asked to drive when he has told the dispatcher that he is out of hours, the dispatcher can be fired.

These dispatchers focused on the need for honesty, setting limits and staying within the rules. Promises should never be made unless they can be kept, they confirmed. *Their ultimate goal was to keep the customer happy, but not at the expense of breaking the law or putting someone's life in jeopardy.*

A shipper being straightforward about a job's requirements was critical to the dispatchers. Likewise a shipper/consignee needs to be told up-front if a pickup/delivery is going to be close to a deadline. Dispatchers noted that they often offered shippers an alternative of using team drivers to meet a schedule. Many shippers are not necessarily interested in this option, they said, because the cost increases with the use of a team.

Bad weather

Dispatchers stated that bad weather and other unexpected conditions encountered on the road are not taken into consideration when a schedule is planned because as one participant noted, "...90% [of the time] there won't be [delays]." While delays in winter because of snow conditions are understandable, the bottom line is that shippers/consignees look at how often delays occur, concluded the dispatcher.

3.124 Carrier/brokers

The carrier/broker groups said that appointments, JIT and tight schedules can affect schedule outcomes.

Appointments

Similar to other groups, carrier/brokers said that an appointment means, "...[Shippers/consignees] are taking 100 trucks and they schedule 20 for 10:00 a.m.... Their idea is, 'You're here, now you wait on us.'" Drivers arrive on-time, only to wait, said the participants. Delays caused by appointments impact a schedule because most appointments are just one in a series. When one thing goes wrong, it can seriously affect the rest of the schedule. Warehouse operations that sell groceries, hardware and other consumer-oriented commodities use appointments extensively and often make drivers wait, confirmed the participants. This issue is discussed in Section 3.33.

JIT deliveries

While JIT is a critical part of the industry, it can place tremendous scheduling challenges on carriers, so much so that a carrier/broker noted that JIT should be called, "NOT—never-on-time." Participants acknowledged that JIT places pressure on all parts of the system to produce. "Everything is pushed into a scenario...that...the customer calls and says, 'I need it now.' The product's not ready so they start manufacturing—pushing everyone to speed up the whole time plan and they say the driver has to be there tomorrow..."

Tight schedules

Participants reviewed the process by which tight schedules are dealt with. It was clear that if a schedule was unrealistic, then the job would not be accepted. "When a customer calls us, we try to find out the course of the destination, location, things like that before we price it up because we don't accept any orders unless we know what the requirements are. If we feel the requirements are unrealistic, we let them know we can't do it. We do turn business down... We don't guarantee the schedule unless it is a realistic schedule," noted a Baltimore carrier/broker participant.

One of the carrier/broker groups discussed the process by which a tight schedule is handled en route. In most circumstances, a driver is delayed at one location and is unable to pick up freight on time. Special arrangements can be made, but at a cost. Similar to the dispatcher groups, communication between the dispatcher and the shipper was considered critical.

Evident as well, was an acknowledgment of the competition inherent in the trucking industry, particularly through the shipment of goods through LTL—again, there is always a carrier who will turn an impossible schedule into a possible one. Carrier/brokers also agreed that specialty carriers such as UPS and Federal Express set a standard in last minute emergency deliveries and most carriers do not have such a standard in place. "The system works to the full extent of the customer's imagination. When they want that load there, they want it. People think that because UPS can deliver the next morning that everyone can," concluded a participant.

3.125 Shippers

All shippers asserted that appointments, JIT, tight schedules and equipment breakdowns can affect schedule outcomes. *Unlike other groups, shippers noted how they are constrained by receiver demands.* For example, a shipper who handles exports said that some schedules can be adjusted when there are delays. However, a ship's schedule may not be adjusted—when a ship sails, it sails and a shipper may have no choice but to place additional pressure on a carrier to deliver.

Appointments

Shippers acknowledged that while appointments are integral, they can cause problems for drivers and carriers. One shipper acknowledged that her goal was to schedule appointments 100 percent of the time. She also said that waiting in line is the reality of appointments. Said the shipper, "I'd like to say that it [waiting in line] never happens, but it happens all the time. We try to avoid it but because of delays,...it's not an exact science and never will be. So we do our best to schedule so the drivers don't have to wait for more than a couple of hours at the most. Sometimes, it's first come, first served."

Some shippers acknowledged their role in the waiting process by paying for driver waiting time. Said a participant, "The guy [driver] deserves to get some compensation [detention fee]. If [drivers] are delayed over two hours, they charge us waiting time."

JIT deliveries and tight schedules

JIT and tight schedules were synonymous to shipper participants and therefore, they are addressed together. The economics of the trucking industry requires JIT now, more than ever, shippers asserted. Less warehousing means that when inventory gets low, the product is needed quickly. As a result, there are more frequent deliveries. This translates into more vehicles on the road trying to meet shipper and receiver/customer demands, said participants. More vehicles on the road may lead to more crash incidents. For both a shipper and carrier, there is little margin for error.

Pressure created by JIT and tight schedules can be tremendous. A receiver, who may not understand transit times and distances, calls a shipper and wants the product immediately and everyone scrambles. A shipper may be waiting for product components from a carrier whose truck is delayed at another location. When the components arrive, the shipper is forced to quickly complete the product so it can arrive on-time at the receiver's location. In the meantime, a truck is waiting for the product to be completed and loaded. The driver may be close to violating his HOS, he may be tired and there may be no alternative but for him to "make the run."

While shippers are dictated to by their customers, if a shipment is impossible, "it is impossible," said the shippers. Participants noted that they had said, "no" to some of their customers and likewise, they had been told "no" by carriers.

Confirmed a participant, "...there are times now with JIT...[the customer is]...calling you 11:00 today and they want it delivered 7:00 tomorrow morning and they're in Texas. This is just not going to happen, but these are some of the demands that our customers are putting on us..."

Shippers also noted that they are not entirely responsible for pressuring carriers to deliver the product that has a tight schedule. "The pressure doesn't always come from us," confirmed a shipper participant. "Yes, we want it there in two days. Can the driver realistically make it? Probably not, but is that trucking company going to encourage the driver to drive to make that company and the driver look good? Is that in our control or the trucking company's control? ...Most of it is out of my control and pretty much in the...[carriers'] control."

When asked how they would want a carrier to respond to an unrealistic schedule, participants concurred that it is better to have a carrier be honest and not make promises that are impossible to keep. Likewise, if there are delays, open communication becomes critical, noted many participants. As long as a carrier notifies the shipper, problems can be worked out most of the time.

Equipment breakdowns

Shippers acknowledged that equipment (truck) breakdowns can affect schedules and cause delays. Unlike other groups, however, shippers said that breakdowns can be used as excuses for not being able to meet deadlines. Said a participant, "We had a breakdown,' that could be a catch all for anything..."

3.2 Loading and Unloading

Loading and unloading freight can cause considerable delays, confirmed participants in all groups. Three issues emerged among participants:

- Waiting for freight, product and/or proper equipment;
- Driver responsibility for loading and unloading freight; and
- The impact of unions on loading and unloading freight.

These delays can impede a driver's ability to effectively meet schedules and lead to violation of HOS, driver fatigue and loss of income by all parties involved, the groups concurred. *Most participants concluded that shippers still want schedules to be met, regardless of the delays caused by loading and unloading and the driver is held responsible if a shipment does not arrive at its destination in a timely fashion.*

3.21 Waiting for product or proper equipment and driver responsibility for loading and unloading freight

General conclusions

Two problems emerged about both issues across all groups:

- Delays caused by waiting for product or proper equipment and the time spent by drivers who load and unload freight are documented inconsistently. Some drivers appeared to be confused about how to document waiting time, and many participants asked, “Should loading/unloading time be counted as rest or work?” Many independent and carrier-employed drivers noted that both scenarios were governed by Federal regulations.³ Two factors are clear—drivers and carriers are not always paid for waiting and loading/unloading and participants confirmed that when trucks are not moving, money is not being made.
- Potential delays caused by additional time needed for unloading and loading are not believed to be factored in when schedules are made.

Waiting for product or proper equipment

All parties involved in shipping freight experience waiting for product or proper equipment. While shippers acknowledged that this is a problem, from the carrier/brokers’ perspectives, only one thing is important to shippers—to deliver the product to a consignee in a timely, cost-efficient fashion. Participants indicated that as a result, a carrier and a driver are compelled to make up the time lost since a schedule is usually not adjusted due to delays.

The participants agreed that a shipper, receiver/customer and consignee may all be the same entity. The shipper can be the receiver and a receiver could be a shipper. In fact, a receiver and shipper can be found within the same company, as in the case of automobile manufacturers—an automobile manufacturers’ parts production plant can act as a shipper, while the assembly plant can act as a receiver. This issue becomes important when trying to determine where the problems in the system lie.

During this loading and unloading waiting period, the driver, in most cases, is forced to remain alert and ready for the pickup or delivery. Since he probably is waiting in line with other trucks, he cannot go to his berth and rest. If he does go to sleep, he can lose his place in line and further delay a job. Drivers in particular questioned how delays caused by waiting to load and unload should be documented. Specifically they said that it is against Federal regulations to document waiting time as off-duty.⁴

³See Section 395.2 Definitions (on-duty time) of the FMCSRs in Appendix C.

⁴ See footnote 3.

There are interrelated challenges associated with shipping freight. With the advent of JIT, less of a product is ready to be shipped when it is needed. As a result, trucks are kept waiting as product is being completed. Appointments also impact how quickly freight is loaded and unloaded. *All groups concurred that delays at the loading and unloading stage(s), can cause delays and other problems for the rest of the shipping process—drivers may have difficulty meeting other appointments; JIT delivery schedules may become impossible to meet, thus costing a shipper additional funds to move important freight and a carrier to lose business; and a driver may have completed his HOS without “turning a wheel.”*

Driver responsibility for loading and unloading freight

The issue of who loads or unloads freight was raised in all but the shipper groups. While drivers and dispatchers said that drivers should not have to load and unload their freight, in some cases, drivers have no choice but to do the work. Many drivers were frustrated with this aspect of their jobs because:

- On numerous occasions, drivers are not compensated for loading and unloading freight. When drivers are not paid for loading and unloading freight, carriers are essentially providing free labor, confirmed participants, and many questioned the fairness of this practice.
- Drivers loading and unloading does not allow drivers to rest.
- Lumpers, individuals hired by shippers, receivers or drivers, are often used to load and unload freight and drivers are still not able to rest. Many participants noted that resting was impossible because they must watch lumpers. Ultimately a driver is responsible for his freight and a driver is held accountable if a load falls short.⁵
- Freight that has to be repalletized to meet customer specifications can lead to tremendous delays. This issue will be addressed in Section 3.33.

The data do not indicate how extensive driver loading/unloading problems are. However, among drivers, dispatchers and carriers, the appropriateness of drivers loading/unloading freight was a serious issue. These groups noted that a significant amount of time is spent loading/unloading freight and this responsibility takes a driver away from his primary job—driving a truck.

Finally, participants were under the impression that the DOT regulated the number of hours to be spent loading and unloading freight. Drivers said that one hour can be spent completing these tasks per 10,000 pounds.⁶

⁵ It was the dispatchers who offered much of the details about the problems faced with using lumpers. Drivers on the other hand, did not give this issue notable significance.

⁶ While there is no such regulation, some participants were emphatic about its existence.

3.211 Independent drivers

Each group placed particular emphasis on one issue—the Baltimore group focused on waiting for product or proper equipment, while the St. Louis group stressed driver responsibility for loading and unloading freight. Their emphasis might reflect loading and unloading characteristics of each location.

Waiting for product or proper equipment

Waiting for product or proper equipment is work time that is not counted as work time, said members of the Baltimore group. They cited example after example of having to wait for the right equipment to move freight. This situation places pressure on drivers because ensuing delays are not factored into schedules. Said a driver, “I go on the pier. I got to get a CMA box out [a special box used for shipping cargo]. [There are] no more CMA boxes. In the meanwhile, you’re [the dispatcher or carrier is] telling me, ‘these boxes must meet the ship tonight.’ How can it meet the ship if you don’t have the equipment...?” Ultimately, drivers concluded, the fact that freight does not arrive on time is a driver’s fault.

Documentation of loading and unloading delays was a moderate concern for drivers. Drivers asserted that waiting to load and unload is work time that does not count as work time, even though a driver may be sitting at a loading dock for four hours. The Baltimore group emphatically stated that, “...regulations set up by the Federal government, [say] you cannot log off duty while you’re sitting in the mill waiting to be loaded.”⁷

Driver responsibility for loading and unloading freight

Some drivers have to load or unload their freight and then drive, participants said. They are also supposed to eat, buy fuel and rest. Said a St. Louis driver, “[Drivers]...still drive 10 hours and work 10 hours loading and unloading...freight...” Some shippers are changing their policies and erring on the side of safety, however, as one driver pointed out: “Hasbro...decided to have [the] warehouse load...Hasbro told me to sleep and woke me when I was loaded, they handed me a piece of paper saying that the load was designed so a driver would go no more than an average of 500 miles a day. This was the first time something like this happened. They now want to be safe.”

The St. Louis group concluded that the use of lumpers and the type of freight can also complicate the loading and unloading process. While drivers are not *forced* to hire a shipper or receiver’s lumper, if their lumper is not used, the driver may be forced to load or unload his truck. Participants said that grocery warehouses are particularly notorious for requiring a driver to use their lumpers. Some drivers bring their own lumpers and participants said that shipper requirements may prohibit drivers from using these individuals.

⁷ See Section 395.2 of the FMCSRs in Appendix C.

In conclusion, loading and unloading responsibilities can complicate the shipping process because a driver may already be delayed and tired from:

- Waiting in line for an appointment or for product/proper equipment;
- Rerouting due to an accident or inclement weather conditions; and
- Loading and unloading at another location.

Drivers once again noted that scheduling delays can be profound because of these factors and loading and unloading freight is a major contributor of delays. There would be no schedule problems if shippers loaded and consignees unloaded, participants agreed. “Shippers [should] load and count, receivers [should] unload and count is the way it should be and 90% of these [problems would be gone,]” said a participant. Another driver added, “...If the government would enforce a rule that a shipper had to load it, a consignee had to unload...you would have plenty of time to make your schedule because they would schedule them in...when they had time to unload...”

3.212 Carrier-employed drivers

Carrier-employed drivers said that loading and unloading problems can impact a driver’s ability to perform his job in a safe manner. Approximately 70-80 percent of the backups are caused by shippers/consignees not trucking companies, they said. “If the government wants to crack down on somebody, start putting stipulations on these people who are receiving and shipping this freight. They are liable for hazardous material, and they are making us hazardous material by putting us out there with no rest.” Participants said that delays can cause fatigue and that a driver, who may be tired by either sitting and waiting and/or loading/unloading, is still expected to pick up the next load. Such delays can also affect a driver’s ability to meet schedule requirements. “Every time you run into a snag, it puts me back a load, it puts me back a half a day...I’m planning on [being home] on Friday night. Here I come joggin’ in Saturday afternoon and I got a whole 12 hours to spend with my kids before I have to jump back into that damn truck.” Both groups focused on waiting for product or proper equipment and driver responsibility for loading and unloading freight.

Waiting for product or proper equipment

Waiting for product or proper equipment creates two challenges for carrier-employed drivers, the participants concluded:

- Drivers are angry at shippers when there are loading delays because they have been told to be at a shipper’s location at a certain time, only to be told that a product is not ready. “...If [a shipper needs to get freight to a receiver]...so bad, why do they make you sit there...[and wait for it?]...90 percent of the rush, rush, rush comes from your shippers and your receivers,” a participant said. One driver stated, “[When there are delays in loading,]...you have to be there on the other side of the world in three hours [to unload].” Additionally, few allowances are made at the unloading part of the process when unloading delays occur.

Another participant noted, “When you’re on the road, all it takes is one of those things, one day out of one week to screw your whole week up...A pickup or delivery [can] jam you up for six hours...It creates a chain effect for the rest of the week.”

- When shippers make a driver wait, the driver may not be earning money. A participant asserted, “Guys that are paid by the mile want to be out as long as they can to make as much money as they can.”

Driver responsibility for loading and unloading freight

Both groups said that loading and unloading freight is an unpopular component of a driver’s job. Loading and unloading takes driving and rest time away from drivers; they are not adequately compensated for fulfilling loading and unloading responsibilities; and there seems to be legal confusion around the number of hours drivers spend loading and unloading freight. Said a driver, “They use you to do the dirty work...you assign one hour for unloading, even though it’s taken you much longer...” Additionally, if freight is a broker’s load, (a broker takes charge of a shipment) drivers said that they are paid only a small portion of the receiver’s brokers’ fee (a broker will pay a receiver \$150 to receive a load and the receiver will only pay a driver \$40 to unload the freight). Drivers emphatically said that if shippers loaded the freight, it would give them the opportunity to rest and make a schedule more predictable because the driver would dictate when a delivery would happen based on when the freight was loaded. Said a participant, “If the shipper loaded the truck, I could crawl on my little mattress [and] take a nap. When [the shipper]...beats on the door and says, ‘you’re loaded,’ Then I...call the guy on the telephone [and say], ‘Buddy, I’m just leavin’ here.’”

Many drivers agreed that they would allow company-paid lumpers to unload for them if it meant that they could rest. A driver said, “If the company is paying you \$100 to unload [freight]...yourself or have it unloaded, I’d just as soon give the guy \$100 and let him unload it and I’ll lay back and sleep...” To ensure quality control, however, drivers must watch lumpers load/unload, which many drivers do not consider as rest.

One driver said that there was a DOT regulation, stipulating that drivers could spend one hour loading and unloading freight per 10,000 pounds. While there is no such regulation, some participants were emphatic about its existence.

3.213 Dispatchers

The dispatchers said that loading and unloading challenges affect the entire shipping process. Loading and unloading delays:

- Place stress on the dispatcher/driver and dispatcher/shipper relationships: Dispatchers are responsible for contacting receivers when delays occur. A participant said that customers do not care how freight is moved from one location to another—they want it there when they need it. Pressure to please a shipper is high, regardless of the delays because a shipper will find another carrier if deadlines cannot be met. Said a participant, “If I know there is a

tough delivery time that's going to be hard for the driver to make,...you can tell your customer, 'No, I know my driver can't make it; it's physically impossible...' at which point the industry...has created our own problems by not sticking together. If we don't do it, someone else will unfortunately."

- Can act as a carrier's business barometer: Whether a carrier will continue to do business with a shipper/receiver can be based on how often trucks are held up by that shipper/receiver. Said a dispatcher, "There are certain people around town who have a reputation of holding your equipment up...When you look at the costs associated with a guy sitting somewhere for eight hours and what else you could get done with ...[that truck, you have to ask,] 'does it make sense to do business with these people?'"
- Can contribute to a driver's inability to rest: The dispatchers concluded that drivers who have to wait to be loaded or unloaded, cannot go to sleep. When one truck moves into the dock, the next truck has to move up. "...That's where driver fatigue comes in. The driver may be perfectly legal in his logs and still be fatigued..., because he can't rest...[while] he's stationary." Likewise, how well schedules are fulfilled dictates whether a driver will be able to rest. "Most of your delivery times are scheduled in the morning. It will take you three or four hours to get unloaded (and that's on a good day), you'll have a customer that requires you to pick up a load—they've known it a day in advance. You get there, you'll sit another four hours to get loaded. They want it delivered the first thing the next morning..." said a participant. This kind of schedule makes it impossible for a driver to rest.

Drivers usually document this waiting time as, "on-duty, not driving." While drivers may wait up to eight hours, their logs may show a waiting time of only one hour. Said a participant, "He isn't going to log those hours of sitting and waiting when he can save it for driving down the highway." The dispatchers concluded that if drivers counted their waiting time, they would be out of hours in four days. There are not enough hours allowed for waiting. As one dispatcher said, "A driver [who]...is paid by the mile doesn't want to sit, he's not getting paid and then he's out of hours."

Waiting for product or proper equipment

Dispatchers noted the irony of a driver who arrives on time for a pickup only to be told that a product is not ready. Said a dispatcher, "Too many times, my drivers...[are told to be there]...at 7:00 in the morning to pick up. They get there, the product isn't ready, the driver's there at 3:00 in the afternoon, still waiting to get loaded, yet they still want him at [a receiver's]...the next day."

All too often drivers are not paid for waiting and they are expected to meet original deadlines. As one dispatcher said, "80% of the industry has no provision for reimbursing the driver for longer delays." No one wants to pay for detention fees, they said. This is particularly a problem for drivers who are paid by-the-mile. Even though paying drivers by the mile is considered a problem by most dispatchers, "that's the way it's always been," stated a participant. Many of the participants agreed that if drivers were paid for being detained, they would not feel the pressure to make up the hours. Some carriers and shippers agreed with this premise and do reimburse drivers for delays. Some drivers are paid a percentage for delays over two hours, but this is not the norm.

“If [the driver]...has to sit seven or eight hours, if the driver has a decent boss, he may pay him \$15 to \$20 for sitting that whole time...Most of them won’t do that.”

Driver responsibility for loading and unloading freight

Some dispatchers said their drivers were being inappropriately used to load and unload freight. Concluded a Baltimore dispatcher, “The industry has...[allowed a driver to become] a \$5.50 an hour warehouse man as opposed to a person who has a license by the state to operate a commercial vehicle. A doctor has a license to practice medicine. A plumber has a license to do his thing, so why is that we’ve allowed our men to become laborers?”

Regardless of who loads or unloads freight, drivers ensure “...that the freight is loaded properly; the freight [is]... blocked and braced; and that it arrives safely and intact at the point of destination,” said a dispatcher. A significant number of dispatchers noted that if a lumper is used, freight may disappear and the driver is held responsible if a shipment is short. Participants agreed that LTLs have the most problems. The driver may not know that a shipment is short until after a lumper finishes loading or unloading. Drivers may have difficulty determining a loss from one load out of many on his truck. Because of this risk, concluded many of the dispatchers, a driver has to watch his freight even if it is being loaded or unloaded by someone else. This corroborates with what the carrier-employed drivers said about the use of lumpers.

3.214 Carrier/brokers

Delays in loading and unloading are a problem, for both long- and short-haul carriers, participants said. As a result of loading and unloading delays, both experience being late for appointments, HOS violations and JIT delivery delays. Long-haul carriers, which tend to be larger companies, may have greater flexibility to maneuver schedules because they have more drivers and equipment. Short-haul carriers which tend to be smaller, must determine how best to cycle their equipment to ensure that freight moves, in spite of loading and unloading delays. Both kinds of carriers experience waiting for product or equipment and driver loading and unloading problems. These circumstances, participants said, can result in delays and a driver’s inability to rest.

Waiting for product or proper equipment

According to carrier/broker participants, delays due to shipper inefficiencies, e.g., product or equipment not being ready for loading are common occurrences. As a number of participants noted, “In the steel mills, drivers could be there for 10 to 24 hours...Once...loaded, [they]...better get on the road, because the delivery is expected. If [the driver] pulls out of line, they won’t call you for a week. They will simply shut you off.”

Prices are quoted with the idea that a product will be loaded and delivered on time with little or no delays. “...The next thing you know you send your truck out there, and they are still working on the product. You can’t call that customer back and say, ‘Listen, you’re not ready; I’m going to charge you ‘x’ number of more dollars.’ They don’t want to hear that. You are dealing with a

marketing person or a sales person...[who] didn't check with the production people, to see if the product was packed, wrapped, palletized, ready to go..."

Driver responsibility for loading and unloading freight

Similar to the dispatcher groups, carrier/broker participants believed that a driver's role of loading and unloading freight is part of the shipping process. Both carrier/broker groups agreed that freight requiring pallet exchanges cause the most delays. In these situations, noted the participants, drivers are often providing free labor.

The participants said that the pressure for drivers to load and unload comes from shippers or brokers. More often than not, a driver may document that he has been resting when in fact he has probably been loading or unloading freight because he feels the pressure to move on to the next pickup or delivery. Said a participant, "When you just drove your 10 hours and you've got to unload your 45,000 pounds of green beans off the back of your truck, you're really not in the mood to do that or in the frame of mind. Once you get there, your dispatcher or broker wants you to get over to x,y,z company to get another load...[when you show the carrier the log book, it says that]...you were in your sleeper berth and if anyone asks you, you tell them you got a lumper when in reality, you were back there 'fingerprinting' those green beans." In some instances the expense of using lumpers was considered prohibitive. Lumper pay ranged anywhere from \$50 to \$100 per load.

Some drivers are asked to wait or to come back if they do not load/unload freight themselves. Drivers who are paid by the mile are the most vulnerable because the longer they wait, the fewer miles they will be able to drive.

3.215 Shipper perspectives

Unlike the other groups, while shippers acknowledged that drivers are forced to wait for product to be completed, there was no emphasis on driver or lumper responsibility for loading and unloading. Therefore, there is only one subsection within Shipper perspectives—waiting for product or proper equipment.

Waiting for product or proper equipment

Shipper participants acknowledged that the majority of the delays caused by shippers occur at the loading and/or unloading stage. More of these delays arise at the end of each month or on a quarterly basis. It is at these points when sales are finalized and there is a push to get the product to receivers. A shipper confirmed, "We wait for the parts to come in. I've never seen such chaos. The computer is still burning. [There's shotgun loading as the parts are finished]...[then we] pack-'em up."

As stated previously, while shippers attempt to keep waiting time to a minimum, drivers are sometimes delayed six to seven hours. Said a participant, "One delay can mushroom down the line,

[and] you don't know what an hour can turn into at the end." While participants assumed responsibility for much of the loading and unloading delays, as stated earlier in Section 3.125, scheduling is not an exact science and drivers are forced to wait for product to be completed.

Similar to other groups, shippers acknowledged that even for them, money is not being made when trucks are not moving. In emergency situations when a receiver's demands become critical and a truck cannot wait, shippers will find alternative routes to get the product to its destination. Stated one shipper participant, "We've been known to air freight stuff at [an] exorbitant cost because there was no other alternative. Somebody's liable," the participant continued, "And we usually just don't eat [the cost]...ourselves. It depends upon who promised what at a particular time." As stated earlier, communication with the carrier and the receiver is considered critical to alleviating additional pressure and problems.

3.22 Union contracts

General conclusions

Union contracts concerned drivers, dispatchers and carrier/broker participants only and the presence of union contracts was a moderate to high concern among the groups. The amount of available data is small in comparison to other issues. However, participants expressed strong, negative and/or positive feelings about unions. All three audiences agreed that although union contracts protect union members from loading and unloading abuses, union contracts can also cause delays in the shipping process:

- If a union warehouse has a quota of how much should be loaded and unloaded per day, a driver may have difficulty unloading after the day's quota has been met. He may be forced to come back the next day to unload his freight, thus causing additional delays.
- Many drivers concurred that there is a lack of cooperation between union workers and non-union drivers and that union drivers get preferential treatment in loading and unloading freight. Non-union drivers acknowledged that at times, union drivers get unloaded before they do.

Participants concluded that drivers are most impacted by union contracts and that protection for some drivers can mean delays for others.

3.221 Independent drivers

While both groups agreed that unions can protect drivers from loading and unloading abuses, independent drivers pointed out that since they had no union, they are afforded little protection against loading and unloading abuses. Particular emphasis in St. Louis and Baltimore was placed on the relationship between union and non-union workers/drivers.

Union members can cause delays in loading and unloading because union workers at loading and unloading locations are not acting responsibly, drivers said. "If you go [to]...any of these piers in Baltimore where it oughta' take you a minimum of 15 to 45 minutes to get a box, it takes you 2 to 6 hours to get a box mounted and dismounted, and it doesn't make any sense. The workers are...union. [There are] 3 or 4 guys talking with you on the scales. In customer service, out of the 45 guys, there's 4 f them there, reading the newspaper, watching TV, and one is working," said a member of the Baltimore group. Participants also stated that union drivers are given preferential treatment and union employees make little attempt to cooperatively work with non-union drivers. A St. Louis group member cited an example of union trucks getting loaded before non-union trucks.

3.222 Carrier-employed drivers

Both groups strongly agreed that unions can protect drivers from loading and unloading abuses such as working long hours and handling freight during a time when they should be resting. Five of the 14 drivers were union members and union influence in St. Louis was particularly strong. The most positive aspect of union membership, concurred both groups, is the presence of a system that supports drivers when they are asked to perform duties that in their minds, place them in jeopardy. Said participants,

- "If you're not union, you have no recourse. If you file a formal complaint, the company has a right to see who filed that complaint."
- "If you are not union, you don't have any protection. You have nobody...you can't go to the dispatcher, because the dispatcher [calls you] a troublemaker."

3.223 Dispatchers

Only the Baltimore group addressed the issue of union contracts. A participant confirmed that a union can charge fees if freight is not moved off the pier or if containers are not returned in a timely fashion. According to participants, policies imposed by unions relative to loading and unloading can place a dispatcher in a position of either costing the carrier money or forcing a driver who is close to completing his to load or unload his freight. "If you don't get [your freight] off the pier in time, you have to pay the merge; or if you don't get the empty container back to the pier in time, you have to pay per diem...[These] costs are imposed by the ILA Union," confirmed a dispatcher.

3.224 Carrier/brokers

Only the St. Louis group focused on the role of union contracts. Participants talked about delays caused by union policies as well as the use of union drivers.

Carrier/brokers said that union warehouses can refuse a shipment if they have met their quotas for the day. Drivers are forced to reschedule, which can cause additional delays.

Participants also talked about casuals (union drivers who work out of a union hall and do not drive for one particular carrier). According to the carrier/brokers, casual drivers are allowed to keep different log books for each carrier.⁸ Whether this practice is permissible or not, these drivers may appear to be legal according to each log book, but they may not be fresh, said a participant.

3.225 Shippers

The union issue was addressed briefly in the St. Louis shipper group only. Participants said that they used both union and non-union carriers. The lack of coverage on this topic is understandable perhaps because union contract issues are operational concerns for drivers and carriers.

3.3 Pressure Points

All participants felt some level of pressure from another part of the industry (See Figure 1). Common to all groups was a sense that at times, the pressure can be enormous. Participants also agreed that the competition within the industry creates a variety of problems that can make the shipping process operate in a crisis mode. The most significant and compelling pressure points expressed across groups were:

- Economic pressures;
- Size of the carrier; and
- Type of freight.

The groups stated that these factors can lead to HOS violations, safety hazards and a loss of income for drivers, carrier/brokers and shippers.

In many instances, shippers seem to position themselves “out of the fray” when focusing on pressure points. For example, their opinions about deregulation focused not on the effect it has had on shippers, but how it has affected drivers and carriers. Where they did not display first-hand knowledge about a particular pressure point, they acknowledged that something in the system was not working and speculated about the problem’s origin.

3.31 Economic pressures

General conclusions

All parts of the industry seem to be under economic pressure to produce faster and more efficiently. Most groups concluded that:

- Deregulation has greatly affected the economics of the shipping process;
- It is difficult to keep customer requirements and staying legal constantly in balance; and

⁸ See Section 395.8(j) and (k) of the FMCSRs in Appendix C.

- Drivers are under tremendous economic pressure and young, new drivers are thought to be the most susceptible.

These concerns were not uniformly addressed in all groups. As a result, for example, Section 3.315 Shippers, does not have a separate subsection entitled, “Economic pressures faced by drivers.”

Deregulation - Economic Pressures

The participants in this focus group study had strongly-held opinions regarding deregulation of the industry. It has had a direct impact on pay scales and carrier competition. According to most participants, deregulation has caused rampant rate cutting; increased carrier competition and driver expenses; and lowered driver pay.

All groups noted that independent drivers have been affected most by deregulation. While the majority of the drivers perceived that profit margins had gone down to less than what they were 20 years ago and their costs had gone up, many shippers said that service and dependability are better than before deregulation.

Carrier/brokers stated that deregulation has encouraged greater competition among carriers. In this climate, carrier loyalty is irrelevant. A shipper’s greatest concern is the rate and how quickly a carrier can get freight to its destination. Shipper and carrier personnel changes were also affected by deregulation, participants said. With its advent, shipper and carrier traffic managers were replaced by sales and marketing professionals who had little background in the industry. These individuals, according to carrier/brokers, make delivery promises without confirming if a product is ready. Thus, more stress is placed ultimately on drivers who are forced to “hurry up and wait” for a product to be completed and then rush to deliver it.

Balancing customer requirements and staying legal

All parties involved with shipping freight constantly balance keeping a customer happy with staying safe and legal, participants confirmed. Saying “no” to a pickup or delivery because a schedule is unrealistic poses different economic challenges for each audience.

- For independent drivers, losing work may translate to not being able to make a living.
- Carrier-employed drivers confirmed that saying “no” can cost them their jobs. Many drivers felt at the mercy of their employers in relation to how their hours are dictated. If they do not perform as the carriers ask, drivers noted, they can be “starved out.”
- For dispatchers and carrier/brokers, saying “no” translates into potential loss of a client, thus affecting company revenue. Likewise, the competition for loads among carriers can make the pressure very intense. Such statements as, “You do what it takes to please the customer” were fairly common among dispatcher and carrier/broker groups. The carrier knows that there is always another carrier who can provide a cheaper and faster service than

he can and that shipper loyalty can be easily swayed. With these realities, carriers and dispatchers are often placed in vulnerable positions of choosing shipper needs over what they feel is right.

- Shippers agreed that they are placed under a tremendous amount of pressure to fulfill customer and internal sales obligations. Sales plans are implemented on a monthly basis and shippers want to push as much inventory out of the door so that by the end of the month, sales projections can be met.

All groups agreed that regardless of economic pressures, jobs are refused if they place a driver, carrier or shipper in jeopardy. Rather than lose customers, carriers and shippers might offer alternatives, such as air-freighting product or use of team drivers, in order to meet deadlines both safely and legally.

Economic pressures faced by drivers

Competitiveness among carriers translates to lower pay and greater pressure on drivers to meet tight schedules, participants concluded. With the pressure of low and discounted rates, high maintenance costs and lower pay, many drivers are forced to work long hours in order to make a living. Many drivers concluded that under these circumstances, a driver does not have a choice but to accept a job, regardless of whether he violates his HOS in the process. Many drivers are angry and frustrated at a system that does not support them. They said they have no recourse—no entity to complain to about the abuses they experience.

Also striking was the use of the word, “punishment” for unsatisfactorily fulfilling carrier obligations. “Punishment,” according to drivers, means that carriers will starve them out of the business by not dispatching them for jobs. If a driver’s truck remains idle, the driver is not making money. He is left with no other recourse but to quit. Specific to the St. Louis independent and carrier-employed driver groups, this terminology demonstrates a feeling of powerlessness—a sense that these drivers are doing something very wrong and there is nothing they can do but to accept that punishment.

New drivers have financial obligations, e.g., paying off educational and truck loans and are less able to maneuver hours effectively. These circumstances create “shipping guidelines,” that change what is deemed acceptable. Agreeing to challenging scheduling conditions places pressure on other drivers to accept similar jobs, participants confirmed.

Most groups acknowledged that economic pressures can lead to rapid driver turnover because truck and loan payments cannot be made with the low incomes generated. The presence of new regulations and high turnover also results in an absence of qualified drivers. A qualified driver, to carriers, should have one to three years of solid driving experience accompanied with knowledge of the field. While carriers are providing additional training to drivers, in this climate, participants said, 1 out of 10 applicants is appropriate.

3.311 Independent drivers

Independent drivers focused on all three issues—deregulation, balancing customer requirements and staying legal and the economic pressures faced by all drivers.

Deregulation - Economic Pressures

Many drivers perceived that since deregulation, drivers are afraid of losing work due to the competitive nature of the industry. Since deregulation, rates have gone down; costs such as fuel have gone up; and drivers' pay has remained stagnant, drivers said. Concluded a Baltimore participant, "[Twenty years ago,]...you didn't have to run as hard because the loads were paying decently. Therefore you didn't have to worry about the HOS because what you did money-wise in two days now [takes] one week." Transportation deregulation by the Federal government led many drivers to believe that their concerns are not being heard. Many of the drivers noted that government guidelines do not necessarily protect the truck driver. In short, a Baltimore participant concurred, the government's guidelines regulate the wrong thing. "We have a sad situation we're confronted with," said a driver. "The Federal government sets guidelines, but... [they are] not interested in what the trucker gets, but they can tell you that you can only drive but for 10 hours a day."

Participants expressed frustration and anger at a system that they feel does not support them. They also feel that they had no input into deregulation. Said a participant, "The trucker as an owner/operator had no injection into Congress whatsoever. They went into their offices, made their decisions, but my wife and children have to suffer as a result of someone making a decision who does not know 'a from [a] bullfrog.' The bottom line is money. If I can't make enough money to keep my equipment up, to be able to rest when I need to, to carry on in a businesslike manner, [then] I am being prostituted by my industry. We have no guidelines, no follow-up. Congressmen don't know what we go through."

Deregulation, according to independent drivers, has also affected a driver's ability to maintain his truck. A driver can complete his hours and still not make enough to keep his truck safe. Additionally, many drivers incur high truck payments and fuel costs. In short, "...You've got to watch your books, watch what you're doing and make your money pay off... You've got to truck with your head now. It's no longer just goin' out truckin' to make money. Now it's a business...I'm no longer just a truck driver, I'm an independent contractor, I have a business, I'm a business man," confirmed a participant.

Economic pressures faced by drivers

While the economic pressure is immense for many independent drivers, at least half of the participants agreed that safety was more important than economics. Some drivers talked about eliminating themselves from the competition if the freight had tight scheduling requirements that could place a driver in jeopardy. They also spoke of placing safety over the need to adhere to unrealistic schedules. "...I [don't] haul something that spoil[s]. He can tell me all he wants-- that's its gotta be there at such-in-such a time; it will be there when I get there. If they wanted it

yesterday, they should have sent for it yesterday,” a driver said. Most of these drivers would be considered “seasoned” according to industry standards. It is therefore understandable why they felt comfortable saying “no” to schedules that could place them in vulnerable positions.

Participants said that young, new drivers are enticed into the industry with promises of \$2500 per week, only to find that their costs far exceed what they are actually bringing in. Additionally, these drivers lack basic knowledge of the field, participants said. New drivers are the lowest paid and their fear of getting fired for not accepting jobs far exceeds their ability to say no to unacceptable conditions. Many participants concluded that the presence of these new drivers in the industry is changing the climate in which jobs are accepted—namely, broadening the definition of acceptable terms by which freight can be shipped.

3.312 Carrier-employed drivers

Carrier-employed drivers only focused on two issues—deregulation and the economic pressures faced by all drivers.

Deregulation - Economic Pressures

Similar to their independent counterparts, both carrier-employed groups agreed that deregulation has negatively affected a driver’s ability to make a living. Said a driver, “It all gets back to deregulation. If it was all regulated, then everybody would play by the same rules...It doesn’t work that way any more.”

Deregulation leads to lower rates, faster turnaround and also lowers driver pay, asserted participants. For example, a rate of \$3.10 per mile has been reduced to \$1.80 after deregulation, said a driver. “[Rate cutting] is a vicious circle and deregulation caused it,” concluded a participant.

Rates and driving parameters have made driving more challenging than in the past and drivers are afraid of losing their jobs. Carrier-employed drivers said they have no recourse for unreasonable working conditions unless they are represented by a union. If

- a driver is late;
- refuses to take a load; and/or
- a complaint is filed with a dispatcher, participants said, it may take a month to get another load. “They’ll starve you out, so then you quit,” said a participant. In other words, a carrier may force a driver to “sit and quit.”

Economic pressures faced by drivers

While carrier-employed drivers experience economic pressure to deliver freight, participants said that safety was more important than fulfilling unrealistic scheduling requirements. “When the order comes through, it’s so hot, they want it yesterday. They’ll get it when I get there..,” said a

participant. Another driver agreed when he said, "...I've been driving for 17 years, I will do what I can do. I know I'm good at what I do. If they don't like it, I'll find another job..."

Carrier-employed drivers also focused on economic conditions experienced by new, young drivers. They confirmed that these drivers are under a significant amount of pressure from their carrier employers to fulfill unrealistic schedules. In some cases, they have no choice, but to accept the jobs because, "...they've got to...pay those loans back...[and] feed their families," said a participant. "...They'll run him to death because they know he's gotta work," said a participant. Another carrier-employed driver said, "These guys are only paid half-scale. And so they want them to run from coast-to-coast...That's what you've got to do..." Additionally, these drivers are told that if they do not accept particular jobs, someone else will. They also know that in order to make a decent living, they need to acquire driving time. As a result, young drivers are on the road too long, violate their HOS and may still be behind financially. Carrier-employed drivers said that there is a 60 to 70 percent turnover among carrier drivers.

3.313 Dispatchers

While dispatchers focused on all three issues, only two are presented in Section 3.313 — deregulation and balancing customer needs while staying legal. While they addressed the pressures faced by new drivers, their comments are more relevant to the issues discussed in Section 3.323.

Deregulation - Economic Pressures

Similar to the driver groups, dispatchers believed that, "...deregulation screwed up the trucking industry because everybody and his brother are going down the street, buy[ing] a truck get[ting] that commercial driver's license (CDL) and say[ing] 'I am a truck company. He's charging you \$2.00, I'll do it for a \$1.00.'" Thus, dispatchers focused on the competition for business since the advent of deregulation. Additionally, there is little carrier loyalty in this climate. As a dispatcher said, "...We have lost on a bid because somebody bid \$10 cheaper than us. Even some fly-by-night company [can take business away from us. We could have serviced this client for five years and this can happen.] People will let you go for \$10.00."

Balancing customer requirements and staying legal

Dispatchers acknowledged that their jobs were challenging because they must keep customers, carriers and drivers happy, all of whom may have opposing needs. Needs are weighed carefully. Shippers want freight moved cheaply and efficiently. Likewise, many carriers have to run their trucks more than in the past to defray the ever-increasing costs of shipping freight, e.g., loan payments and fuel, maintenance and insurance costs. The driver's ambition is to make money—he wants to drive as many hours as the law allows. Dispatchers weigh these considerations against the question, "How good is this piece of business and is it worth placing my driver and my company in potential jeopardy?" A Baltimore participant described the "balancing act" this way: "...The companies have to recognize what is profitable, but also recognize what potential jeopardy they are putting themselves in if [a] driver gets into a crash."

Some days, noted a dispatcher, tight deliveries that are lucrative for a carrier are a necessity, where other days, such business can be refused because there is not enough of a critical need to meet the requirements of a tight schedule. Critical financial decisions are made daily. Stated a participant, "Either you push a driver to [make the run]...or you don't take the load at which point...the truck wheels won't move until the next morning and you've lost a whole day of revenue and profit on the truck by letting it sit."

Baltimore participants, in particular, talked about how they deal with freight that needs to be moved quickly. One participant said that he cannot turn a job away. What he can do, however, is to price the job high so that a shipper will often go elsewhere. If a high bid is accepted, the carrier should now have enough funds to ship the freight and do it legally. Another participant noted that regular shippers are given priority treatment, meaning that his carrier meets shippers' demands and no job is turned down. Still another participant disagreed with this approach. He would show empathy toward the client, but would not give in if a schedule was unrealistic. In other words, as the participant noted, "...you have somebody who wants you to take and put that 500 miles in six hours. It's not going to happen." Another participant said, "...when [a pickup or delivery] is 500 miles [away] and you can only do 50 miles an hour, I can't get it there until 10 hours after I'm loaded. If you're asking me to do something illegally, I'm sorry, my company can't do it," confirmed a participant.

At least half the dispatchers focused on violating HOS as fallout for succumbing to shipper pressure. Many participants felt that shippers do not care about HOS. "If you don't fit into their business schedule, they will find someone who will," said a participant. "...If you have a shipper who's telling you at 7:00 or 8:00 this morning, 'here's what I've got for you, be there 24-30 hours later,' to sit there and try and tell him that, 'I've got a man with an HOS problem,' he doesn't want to hear because he feels he's given you ample time to get there," concluded another dispatcher. Understanding the HOS regulations is just not in a shipper's make-up, acknowledged the dispatchers.

Dispatchers also said that placing shipper needs over those of drivers can contribute to driver turnover. Dispatchers were concerned with this issue because hiring exceptional drivers is challenging. Said a dispatcher, "Nowadays it's getting more and more difficult to get good, quality drivers...You can hire a lot of drivers, but [one] out of every ten,...is the type you really want...Unfortunately there are one thousand other companies who want him, too...You don't want to send a driver into a bad situation every time because he's going to quit."

3.314 Carrier/brokers

Carrier/brokers discussed all three issues, deregulation; balancing customer needs and staying legal; and the pressures faced by all drivers.

Deregulation - Economic Pressures

Carrier/brokers said that deregulation has affected the industry in two ways:

- The industry is operating on a thinner profit margin than it used to, they said, and carriers are offering tremendous discounts just to stay competitive. Shippers start with the lowest priced carrier and then move up. A shipper is going to take the lowest bid because it will increase his company's profit margin. As a result, carriers are competing with each other on a broader playing field. Discounts quoted by at least half of the participants ranged anywhere from 15 to 70 percent. Said one participant, "[I'm told to offer]...a discount of 15 percent lower than the competition."

Many carrier/brokers were perplexed by the problems they believe deregulation has caused. There is a sense that, in theory, deregulation was a positive thing, but somehow, something got lost in its implementation. Concluded a participant, "Our industry has never figured out how to charge like Carl Icahn; if you buy a plane ticket a month ahead of time you pay one price; if you buy it the morning you want to go, you pay a different price. That's unfortunate that we can't learn...what the airlines learned [from] deregulation."

- Since deregulation, the traffic managers of previous years were replaced with sales and marketing personnel. These individuals, according to the group members, make delivery promises that may be impossible to keep. As one participant noted, "The sales and marketing personnel...[say] we'll have it there...first thing tomorrow morning and...[the goods aren't even ready.]"

While not directly connected with deregulation, participants attributed the absence of quality drivers to the creation of new CDL requirements, which came after deregulation took affect. Carrier/brokers confirmed that the pool of drivers is gone and that they are fighting each other to keep good drivers. A participant said, "Look at the ads. You get the dregs..."

Balancing customer requirements and staying legal

Just as the need for money puts pressure on drivers to accept jobs, shippers invoke pressure on carriers for economic reasons. Participants noted that shippers are concerned with getting the product to customers and they may not care how long it will take to get it there or any of the other details involved.

This discussion brought up ethical issues faced by all carrier/broker participants. Said a St. Louis group member, "...If you've got our company that's trying to do it by the book...and you've got this other carrier who will do anything to make a buck, then either you've got to bring your standards down to theirs or run the risk of going out of business. As long as we're on the same playing field, I'll play with anybody." Stated another participant, "Everyone is trying to beat each other up. At some point you've got to say no. We can't do this." Both groups concurred that the economics of the situation are challenging and difficult. Some of the carrier/brokers confirmed that, in some instances, there is little room for negotiation. One participant said that if a rate was not close to what he was quoting, then the shipper could find another carrier. Another participant stated that he would never force someone who was out of hours to continue to drive, regardless of the economic loss. Stated this participant, "...I've never taken a guy who's been down and out of hours and said, 'go do this.' Forget the fines. I don't know if I could live with myself if that guy

then went out and ran over somebody and killed him;...[The responsibility for that death falls on me;] and then going to jail—it scares me.”

Economic pressures faced by drivers

All drivers, regardless of how long they have been on the road, feel economic pressure that was not necessarily present before deregulation, stated participants. Drivers may be enticed to do something illegal because the more hours they are on the road, the more money they can make. What makes the situation different from before deregulation, participants said, is that revenues are needed to survive. The competitiveness of the industry has forced many van operators to put on more tonnage. In order for drivers to make the money that they did a year ago, a driver may be forced to put in extra hours on the road, participants said.

Young, new drivers who have truck and educational loan payments face additional economic pressure, participants stated. Unfortunately, many of these drivers fall victim to carriers who sell them trucks at low prices, run them hard and then let them go if truck payments cannot be met.

3.315 Shippers

While shippers acknowledged that they place pressure on drivers and carriers, they shifted a significant amount of the responsibility on receivers who may not understand the intricacies of shipping freight. Because they do not have direct contact with drivers, participants speculated about the economic stress that new and “seasoned” drivers experience. Since shippers did not notably emphasize these factors, deregulation and a discussion of driver pressures have been combined. Balancing customer requirements and staying legal is also addressed.

Deregulation - Economic Pressures

Shippers emphasized deregulation’s effect on carriers and drivers, but did not directly talk about its effect on themselves. They acknowledged that deregulation has kept the rates down. Some shippers said that carrier service and dependability is better than it was before deregulation.

Participants also confirmed that drivers are probably not making the kind of money they did 20 years ago, and that they are working longer hours. Participants speculated on how deregulation has affected owner-operators. “Owner-operators have an investment in their rigs and they need to log enough miles because their earnings are variable and directly related to the amount of freight they haul,” a participant said.

Similar to the carrier/brokers, shippers also focused on the initiation of new CDL requirements that have affected driver availability. “With the regulations changing, requiring CDLs, we have a lot less drivers. The drivers that are driving are really pushed to the maximum,” said a participant. Another person agreed, “You’ve probably taken that radical individual off the road who has many violations, who’s probably a safety hazard, but by doing that, you’ve now reduced the number of available

operators, which now puts more pressure on the ones that are left.” Said another shipper, “...Now you don’t have the bad apples, but you have to wait for the good guys to finish what they’re doing.”

The pressures drivers experience can originate with shippers, participants said. “A shipper beats a carrier and says, ‘I want it here,’ and the dispatcher turns around and beats the driver and says, ‘I want it there,’ ” acknowledged a shipper. Another participant noted that pressures drivers experience may also come from carriers. The shipper said, [This is] pure projection on my part, [but] there may be pressure on that employee, on that driver, from a job security standpoint...that’s an internal [concern] within that carrier’s operation.”

Balancing customer requirements and staying legal

Similar to other groups, shippers constantly weigh customer needs against what is safe, legal and viable. “There is always someone up in front of you pushing you to go faster,” stated a participant. Shippers are being pressured to meet budgetary requirements in predetermined time periods. They are pressured internally from their sales departments and their customers. Financial gain seems to be a motivating factor, confirmed a participant when he said, “[It] always comes down to the ‘\$’ sign. [We need to] save it or get more of it [and there’s] always someone willing to take that risk [for us].”

Similar to the carrier/brokers, the ethical question of, “how far do you go?” was discussed and opinions were at both ends of the spectrum. Even within the same group, one person said that he would pay extra to get a load to its destination on time while another participant felt that this was a bad practice. Most participants concurred that there is a limit to what they can do. While their actions are dictated by their customers, they also keep safety in mind. “We’re realistic about it,” confirmed a participant. “If [the consignee] wants [product] in this time frame, this is the only way that it’s going to get there. We give them the various options—higher pricing, lower pricing, realistic, unrealistic—we give them the option. If they ask for something unrealistic, [we say], ‘no it’s just not going to happen. We won’t abide by it.’ We make them realize, that we just can’t do it.”

3.32 Carrier size

General conclusions

Two issues were addressed across groups:

- The relationship between carrier size and staying competitive; and
- How carrier size and/or short- or long-haul operations correlate with violating DOT regulations.

Opinions about both issues varied from group to group. Although participants did not reveal the size of their employers, the following opinions reflect their experiences and perceptions.

Participants asserted that there is a connection between carrier size and long- or short-haul operations—many larger carriers are known for hauling freight across country, while short-haul operations can be synonymous with regional, smaller carriers. There are distinct characteristics specific to each type of operation, participants said.

The relationship between carrier size and staying competitive

Most participants said that larger carriers can move trucks more efficiently, quickly and cheaply than small carriers. While large carriers have greater profit margins and are able to provide extremely competitive bids, they also have an ability to turn down work if it is not profitable. Likewise, while larger carriers are more likely to pay low rates and “run their drivers” longer hours, they are also more prone to ensure that their drivers take the time to rest, participants agreed. *The smaller the carrier, the more pressure there is to compete for loads, noted participants.* Small carriers have fewer trucks; are more concerned with bringing their drivers home so additional jobs can be accepted; and they may undercut each other because they may be desperate for business.

How carrier size and/or short and long-haul operations correlate with violating DOT regulations

Participants said that regardless of size, all carriers are vulnerable to violating DOT regulations. At least half of the participants believed that the larger carriers have more visibility and violate DOT regulations more than smaller carriers. On the other hand, the competitive pressure that smaller carriers experience also makes them vulnerable to violating DOT regulations.

Participants asserted that a long-or short-haul driver can easily violate his HOS. The long-haul driver may get into the groove of driving and not stop after 10 hours, and the short-haul driver may have 6 stops in one location and run out of hours before fulfilling a job’s requirements.

3.321 Independent drivers

Independent drivers focused on carrier size and staying competitive.

The relationship between carrier size and staying competitive

Independent drivers said that large carriers cut the rates and dominate long-haul truck traffic. These two factors, noted many of the drivers, reinforce competition that can set impossible shipping criteria. Said a driver, “You’ve got these rate cutters [coming in who say,] ‘I can give you so many trucks (50 to 100 trucks)’ [then you hear about]...another company that will haul...freight for nothing just to get its drivers back home. That’s a bad scene.”

Another component of competition between carriers is a carrier’s ability to keep quality drivers. Without them, freight cannot be efficiently moved from one location to another. Some large carriers that did not pay their drivers adequately in the past are changing their pay schedules in order to keep quality drivers, participants said. “[These larger carriers are making money not

because they are hauling a cheap freight, but [because] they haven't been paying their drivers anything; now they've bumped it up...because they want to keep some quality drivers," said a participant.

These drivers also said that company drivers can be used to defray the cost of carrier rate cutting. "All these companies over the years have been cutting the rates to get the freight," a driver said. "They've gotten to the point now where they can't cut but so much and keep a company driver in that truck. Now they are going with a lease/purchase plan. They put a company driver in a truck and make [the driver]...pretend that it is his truck so now they can still cut rates. At the end, he's still not going to have any more money or less money, but he's thinking he has a truck."

3.322 Carrier-employed drivers

Carrier-employed drivers focused on carrier size and staying competitive.

The relationship between carrier size and staying competitive

Participants concurred that large carriers have more flexibility to compete in the marketplace than smaller carriers because they:

- Have more trucks and are more able to handle a larger volume of freight;
- Can more easily turn down jobs if the jobs are not profitable. Carrier-employed drivers also agreed that large carriers may have more truck payments than small carriers and many jobs are probably accepted out of necessity; and
- Are in a better position to enforce eight to ten hours of rest on their drivers because there is more coverage. Many drivers noted that large companies cover the cost of a hotel room and meals. They felt that this makes the job livable. One participant confirmed, "I'm working for a huge company right now. The pressure on me is minimal compared to the way it was with smaller companies." Participants also thought that large companies can more easily use team drivers because the ratio of drivers to jobs is not as tight as with smaller companies.

The groups felt that both large and small carriers undercut each other, making the competition for business extremely fierce. While this is true, they agreed that smaller companies undercut out of necessity. "...They'll come and say, 'well we know that big carrier can do this. We'll do it for half the freight cost and get it there a day sooner.'"

3.323 Dispatchers

Dispatchers addressed whether there was a correlation between carrier size and violation of DOT regulations.

How carrier size and/or short or long-haul operations correlate with violating DOT regulations

Dispatchers said that large, long-haul carriers are the biggest violators of DOT regulations. They felt that big companies that have fleets of trucks, and there is pressure to “run” all of the time in order for the company to make money. “They don’t care how they make their revenue,” a participant said. Dispatchers said that small, regional companies have too much at stake to violate DOT regulations.

Additionally, large carriers are notorious for recruiting young people and taking advantage of them, participants said. “You want to come and work for me,” mimicked a participant talking about a large carrier. “I’ll finance you and get you a big truck right now, a nice, shiny truck. You’re never going to pay it off, because I’m not going to let you. I’m not going to pay you enough; you can’t work enough hours in a day to pay that truck off. When the truck starts falling apart..., we’ll sell you another one. So you’re hooked.” Participants added that larger carriers do not pay their drivers adequately. One dispatcher whose brother is a driver for a large company, faces tremendous pressure to stay on the road, regardless of HOS violations. “My brother is making 24 or 25 cents a mile. He has to bust his butt to make money. He runs two and three logs because he’s working constantly.”

Participants also talked about the challenge of tracking driver HOS, particularly for long-haul drivers. The nature of long-haul driving prohibits close driver supervision. If a driver is on the road for more than 10 hours, there is no one in his truck to tell him to stop. A dispatcher has more control over a short-haul driver’s time because the dispatcher has a better sense of where the driver is. The dispatcher can call a driver, advise him that his hours are running short and send him home.

3.324 Carrier/brokers

Carrier/brokers focused on carrier size and staying competitive; and whether there was a correlation between carrier size and violation of DOT regulations.

The relationship between carrier size and staying competitive

Carrier/broker participants discussed the economic challenges that smaller carriers face, particularly when they are detained at a location. “I have to maintain a fleet of 20 trucks in order to survive. I have to feed 20 drivers. Twenty drivers get hung up at the pier [and] each driver gets out [only] two loads a day. [The driver] can’t feed his family. What’s he going to do? He’s been sitting behind the wheel waiting. He hasn’t had the opportunity to make...money because he gets paid by the trip, not by the mile,” said a carrier/broker.

Both driver and carrier suffer under these conditions. Since a small carrier’s capital is tied up waiting, he loses revenues—just like his drivers. This scenario is common among small carriers and such circumstances make it hard for them to survive, concluded participants.

How carrier size and/or short or long-haul operations correlate with violating DOT regulations

At least half of the carrier/broker participants agreed that larger companies are most vulnerable to being fined for violating DOT regulations. Participants also stated that short-haul deliveries pose additional challenges—it is difficult to keep drivers legal who are close to completing their 10 driving hours. Said a carrier/broker, “A guy who’s taking a run from [St. Louis] to Indianapolis, Indiana...may run up there, do five or six pickups around town, then come back to St. Louis. ...Technically, you can’t quite get up to Chicago and back in the same day...Do all the carriers do it? You betcha’...The driver shows he lumped out earlier or came in later...he can cover that and fudge some of the hours,” said a carrier/broker.

3.325 Shippers

Shippers focused on carrier size and staying competitive.

The relationship between carrier size and staying competitive

Many of the participants speculated that the large carriers make more money and probably have more of a profit margin than smaller, regional carriers. They said that small carriers who have just entered the industry are building up cash flow and they may be apt to cut corners. The larger carriers on the other hand, have too much exposure to cut corners visibly. “A larger carrier can take a guy and he may not see home for two months. The regional [carrier on the other hand] is looking to get his guy two days out and two-three days back. [The larger carriers don’t care.] The driver will eventually get back. This puts more pressure on the shorter haul guys. Smaller guys have to turn volume somehow,” concluded a participant.

Also addressed in at least one of the shipper groups was who is hired to move their freight. At least two participants said they did not hire independent drivers because these individuals can be unreliable and the information they provide the shipper with, e.g., hours available, etc., may be inaccurate. Another participant said that he hires only common and contract carriers and no brokers or independent drivers for the same reasons cited above.

Finally, both groups concurred that if there is “hot freight,” there is always someone who will take the load. The process may be expensive, but these shippers agreed that in some instances, they have no choice but to make a shipment happen, even if the price is exorbitant. Shippers said that they share the cost with receivers and negotiate with carriers on price and process. Options include:

- A pony express: drivers relieve each other at agreed-upon locations. This process can be very expensive and it requires significant coordination.
- Team drivers: While this option is expensive, it moves freight quickly because a truck is rarely stopping (while a driver sleeps, the other drives and visa-versa).

- Carriers who specialize in the timely delivery of “hot freight”: While this option is expensive as well, the delivery is guaranteed. Said a shipper, “Large air freight companies...they want you to believe that [they can do it better].”

3.33 Type of freight

General conclusions

All groups agreed that the types of freight can place undo pressure on the delivery process. Discussion across all groups centered on two topics:

- Type of commodity shipped; and
- Problems encountered.

Type of commodity shipped

Participants said that the types of freight causing the most problems were: produce, automobile parts, toys, hardware, steel, hazardous materials and other restricted cargo. Each commodity has its own set of pickup and delivery characteristics according to participants in this study. For example:

- Produce invariably requires: the fulfillment of tight pickup and delivery schedules, ensuring that product is saleable at the market; repalletization; appointments; and waiting in line.
- Toys and hardware invariably require: repalletization; appointments; and waiting in line.
- Hazardous materials and other restricted freight invariably require: restricted routes and traveling time parameters, e.g., materials can only be moved during daylight hours; appointments; and waiting in line.
- Automobile parts invariably require: JIT deliveries; appointments; and flexibility for unexpected delays.

While these characteristics are based on opinion, participants were emphatic about their existence. Driver, dispatcher and carrier decisions to accept jobs are based on the presence of these circumstances. For example, some drivers refuse to pickup and deliver toys and carriers refuse grocery warehouse business.

Warehouse operations that market these items are particularly notorious for causing problems, perhaps because of the tremendous volume of merchandise these stores market. Additionally, whether a driver is traveling LTL or truck load (TL) makes a difference in a driver’s ability to efficiently deliver his freight. LTL is more challenging because it requires tighter scheduling on a driver’s part. Pickups need to be on time; loading and unloading requirements need to be minimal

(making it easier for a driver to quickly load/unload freight so he can move onto the next pickup or delivery); and a driver's time must be closely monitored, ensuring that he does not violate his HOS.

Problems encountered

Most groups, with the exception of the shippers, encountered problems with repalletization of freight. When freight is ready to be picked-up at a shipper's location, it is usually neatly wrapped and ready to be loaded onto a truck. Problems occur when a driver arrives at a receiver's location, only to be told that the product needs to be repalletized to fit a receiver's specifications. Repalletization, confirmed most participants, can take significant driving time away from a driver. As noted throughout this report, appointments, JIT and repalletization can cause loading and unloading delays; dictate that drivers remain on the road too long; prohibit a driver from getting the rest he needs; and lead to HOS violations. Participants recommended that shippers and receivers come to a consensus on pallet sizes so drivers who have to unload can complete the task more quickly and efficiently.

While participants complained about these circumstances, in most cases, they fulfilled shipper and/or receiver obligations. This is because shippers/receivers of these commodities can be powerful, controlling significant portions of a carrier's business. Ultimately, concluded many of the participants, drivers are held responsible for fulfilling tight schedules for these products even though delays may have been caused by shippers/receivers.

3.331 Independent drivers

Type of commodity shipped

Participants agreed that refrigerated loads need to be watched carefully because shippers and receivers do not want this type of freight on the road too long. Produce and other perishable commodities have a limited shelf life and drivers are trying to "beat the clock." Said a driver, "With produce you know yourself you don't want a head of lettuce on your table and the stem is brown..." Another driver said, "When they load produce on you...usually it's a tight schedule to get it to the destination. When you get there it still doesn't mean that the stuff's good, which means that the driver's got to sit there and wait for the stuff to get inspected..." The drivers confirmed that one way to deal with this waiting problem is to threaten to sell the produce to another receiver. One participant concluded that voicing this alternative is the difference between the less experienced driver who will sit and wait for his freight to be inspected and thus to serve as a free refrigeration service, and a seasoned driver who will not allow this as an option.

Regardless of the tight schedules produce creates, many of the drivers concurred that safety was more attractive than money. Said a participant, "I'm crazy about money, but I'm not going to die for it...I hauled produce for 20 some odd years. Not one day, not one load,...did I mess up because I was late, because I had an accident...because I would not put a load on my vehicle in Miami, Florida...to be in Huntspoint...[at the] market the next day. Yes, I lost a lot of freight, but once I established the fact that I would not do it, it was never offered me. I had other outlets...because I was free to do the safe thing."

Automobile parts, steel components, toys and hazardous materials can also cause problems, participants said. Warehouse operations specializing in marketing these commodities create considerable delays.

Problems encountered

Drivers confirmed that these products may require repalletization, JIT deliveries and/or appointments. Carrying these commodities can lead to driver fatigue, HOS violations and loading/unloading delays, participants agreed. For example, toys, which usually come in small boxes can cause tremendous unloading delays and driver fatigue. Said a driver, "There are so many small boxes in the trailer. Nine times out of 10, they load them on the floor, stacked in as tight as they can get them with no pallets. [Drivers] have to separate [toys] item-by-item." Produce has the same problems, confirmed participants; repalletization is more of an issue here. "You may have celery, cabbage, lettuce, whatnot on [your truck]...When you get there, [you hear] well that's not going to fit on our racks the way it is...that's not the type of pallet [we can use]... You'll have to break it down so many high, so many [deep]...It's got to go on to ...small pallets to fit into our refrigerator better. Well the driver's stuck with doing it."

Participants noted that the corporations controlling these commodities dominate the truck traffic in particular areas. Drivers may not have a choice but to abide by their requirements, regardless of how unrealistic the conditions are, said the drivers.

3.332 Carrier-employed drivers

Type of commodity shipped

Participants said that produce and other perishable loads cause the most problems. Picking up produce, particularly from the West Coast, can cause drivers to violate their HOS on the delivery end because produce has to be delivered before it spoils.

Automobile parts were also mentioned. These commodities, require JIT deliveries and JIT can affect a driver's HOS and contribute to driver fatigue.

Problems encountered

Carrier-employed drivers said that produce and other grocery commodities needing repalletization can lead to significant delays. "You pick up a load, nice and pretty, palletized, shrink-wrapped and you say, 'boy when I get there it's going to be a breeze.' You get there [and they say], '...those pallets won't fit into our racks; you've got to take all of that stuff off there and put it in these pallets that are an inch smaller.'

Any grocery warehouse will do that to you; you go in there with a 40 by 48 and they want it on a 40 by 42. You have to take 24 pallets and make 28 out of them." Participants recommended that dispatchers confirm pallet sizes with shippers *before* the freight is loaded onto trucks.

Shipping automobile parts create other problems, confirmed participants. “We do a lot of auto parts for Chrysler and General Motors. They’ll get on the phone and tell you, ‘For every minute that the plant is shut down, it costs us \$200,000. Go, go, go.’ They don’t ship it until the last minute so they don’t have to pay warehousing. It comes out of the manufacturer, right into the factory. They’re cutting the warehousing...,” said a driver.

3.333 Dispatchers

Type of commodity shipped

Dispatchers said that produce, other grocery commodities, hardware and housewares, toys and automobile parts, shipped to large retail warehouses or chain stores are problematic for drivers and carriers. Many of these products require JIT and are carried LTL, which add to delivery pressures. Dispatchers acknowledged that the challenges such commodities present, in some cases, must be embraced because of a shipper’s financial commitment to a carrier. For example, “If you’re going to take auto parts, you’re going to be expected to do the unexpected,” explained a dispatcher. “You will do what it takes to get [the parts] there because you are depending on those funds coming in from that particular customer.” One dispatcher confirmed that these commodities are carried only if they are lucrative or if a carrier is desperate.

Problems encountered

Commodities, such as produce, require repalletization and repalletization can cause lengthy delays. Said a participant about grocery warehouses, “Grocery warehouses are the biggest violators of everything; they want everything but give back nothing...The driver has to do everything but walk on water to get the freight unloaded....They [grocery warehouses] order a truckload of freight, but want the drivers to segregate it to their [specifications]...Instead of a driver having 22 pallets worth of freight, which he could take off and count within 15 minutes to an hour, he has to spend...up to 12 to 13 hours to get a truck unloaded [himself]...or hire somebody to break the [freight] down...”

Unlike the driver groups, dispatchers placed particular significance on a driver’s inability to rest because of the circumstances surrounding the type of freight being shipped. If a driver is carrying hazardous materials, he may be restricted regarding when and where he can travel. In such situations, a driver can be placed in a position of either violating his HOS, completing a trip even though he is tired and meeting a deadline, or leaving the road, resting and being late for a delivery. These dispatchers confirmed that rest is more important than meeting schedule requirements. “My hazardous material’s drivers know if they have a spill there is a big problem. A truck load of potato chips versus sulfuric acid is reason enough not to violate [HOS],” explained a participant.

3.334 Carrier/brokers

Type of commodity shipped

Similar to other groups, carrier/brokers focused on produce and other grocery commodities. “During produce season, guys are busting their butts because the money’s so good coming off the west coast or Florida.” The challenge, confirmed participants, “is to keep the produce fresh so it can be sold at the market.” While this is possible, it can also place tremendous pressure on a driver and carrier.

Problems encountered

While the money is lucrative, some of the problems encountered, e.g., repalletization requirements, loading and unloading delays, appointments and tight delivery schedules, make the produce business particularly challenging. These characteristics, participants said, can impede a driver’s ability to rest. HOS and other DOT regulations can also be easily violated under these circumstances—as a carrier/broker explained, “there’s an old saying, ‘[produce] ain’t fresh at 55 mph.’” Some carriers acknowledged that they cannot turn down the business because of the amount of money involved. Other carrier/brokers stated that they no longer touch work that includes grocery warehouses because of the problems involved. “We stay away from the food distribution centers...They’re terrible. No matter where you go they’re all the same,” said a participant.

While the data did not indicate specifics on why some carriers stay in the business of transporting these commodities, criteria for remaining with a shipper include, “[set, and/or doable routes and good rates [where]..., the drivers stay happy and legal and the company makes a profit,” said a carrier/broker. Larger companies may be more able to handle the challenges these products create. For example, a participant confirmed that, “the big companies are going to teams to run produce.” This arrangement makes the problems more manageable.

3.335 Shippers

Type of commodity shipped

Shippers did not spend a significant amount of time discussing particular commodities that affect pickups and/or delivery schedules. Commodities that were discussed, however, included hazardous materials and over-the-counter drugs, with particular emphasis on hazardous materials shipping problems. Carrying these commodities may have restricted routing requirements, stipulating where, when and how the freight can be moved.

Problems encountered

Participants acknowledged that shipping requirements for hazardous materials and/or restricted cargo can cause delays and potential HOS violations. Shipper opinions were divided when discussing the challenge of staying legal and delivering the product quickly and efficiently under these circumstances and opinions varied on how this challenge should be met. As one participant

confirmed, "...I'm shipping hazardous materials so I've got to get it there two days prior to [a] cutoff date...I'm playing with hours...If I miss a day, I miss a week or two weeks. Unfortunately, sometimes shippers put pressure on drivers since I get pressure from customers. I may start out flexible...[then] I beg." Another shipper took the opposite viewpoint when he said, "I will never say that we've never exerted some pressure [and] say, 'hey guys this is important; its gotta get there on time...' [On the other hand,] I would not dictate something by contract, that would eventually break the law. I am not willing to cross the line...If something happens, as a shipper of record..., I'm going to be sued...It's not worth it..."

3.4 Communications Issues

General conclusions

The focus group participants talked about the communication challenges each party faces with other components of the industry. All groups discussed the importance of communicating to better ensure efficient pickup and delivery of freight. Even with this acknowledgment, it can be challenging to keep the lines of communication open. Perhaps the unpredictability of the industry, e.g., JIT, appointments, waiting, delays caused by natural occurrences, including bad weather, poor road conditions, etc. coupled with promises made, contribute to the industry's communication problems. While many issues were discussed, conversations focused on three areas:

- Promises made;
- Misconceptions and miscommunication by audience; and
- Suggestions for improved communication.

Promises made

Participants' comments reveal that many of the industry's communication problems begin with unsubstantiated pickup and delivery promises. While each audience has a unique role in the shipping process, all of them share a commonality—all feel the burden of promises made by someone else. Regardless of whether a shipper, carrier/broker or driver refuses a job, shippers feel responsible to receivers; carriers, brokers and dispatchers feel responsible to shippers; and drivers feel responsible to carriers. A scenario shared by most groups follows:

- Shippers' or carriers' sales personnel promise delivery of the product to receivers/shippers without confirming product availability. In many instances, confirmed participants and traffic personnel are compelled to meet receiver/sales demands. As a result, they communicate the importance of a pickup/delivery to carriers/dispatchers.
- In order to keep the business, carriers, brokers and dispatchers make promises to shippers; and
- Promises are fulfilled by drivers.

Misconceptions and miscommunication by audience

Each audience has its own set of diverse communication concerns, most of which are interrelated. While the data do not reveal when and why misconceptions and miscommunication occur, the majority of participants were consistent in their comments.

Most groups focused on the lack of communication between sales personnel and traffic departments. Participants included shipper and carrier personnel in their discussions. They said that sales personnel's major goal is to acquire and keep business, sometimes at the expense of confirming whether a job is realistic, both time-wise and personnel-wise. This situation can place tremendous pressure on all parties, so much so that drivers feel unprotected; dispatchers feel pressured to make a choice between safety and satisfying a customer; carriers are angry at shippers because they are not planning for potential delays; and shippers are angry at receivers who appear to be ignorant of what is reasonable. While communication problems are not solely attributed to sales personnel's activities, their actions, according to the majority of participants, may contribute to the misconception and mis-communication examples that follow. According to:

- **Drivers:** While carriers/brokers and dispatchers acknowledged the importance of keeping good drivers happy, many independent and carrier-employed drivers said they were mistreated by carriers and dispatchers. Drivers say they often have to meet unreasonable shipping demands (tight schedules; no pay for detention time; and they cannot rest because they are expected to load and unload freight) where they have no recourse but to fulfill such obligations.

According to many drivers, the statement: "Get there safely, but DON'T BE LATE," particularly for jobs with tight schedules, is commonly heard. This mixed message leads drivers to question what is more important, safety or time.

At least half of all independent and carrier-employed drivers said that drivers can be "punished" for not performing as a dispatcher asks. All drivers feel unprotected and if carriers feel their job performance is inadequate, drivers can be forced to "sit and quit"—a powerful form of "punishment" that robs drivers of their livelihood. They said there is no entity to which complaints can be submitted when such abuses occur.

- **Dispatchers:** Dispatcher comments revealed that driver perceptions of being "starved out" are partially true. Drivers who complain too much and are consistently late for a pickup and deliveries may not be called for prime jobs because keeping customers happy is a critical component of a dispatcher's job.

The pressure to take a job and meet its scheduling requirements is immense. They feel pressured from their internal sales departments who make promises to shippers without verifying driver or equipment availability. Better and tighter communication between sales personnel and dispatchers, they said, would alleviate some of this pressure. Dispatchers stated that shippers do not understand the challenges involved with shipping freight, nor do they care. A shipper's ultimate goal is to get the freight moved from one place to another.

As a result, dispatchers agreed that shippers ignore the details, including if a driver's HOS have been violated.

Telling a shipper that a shipment is possible and then not following through, ultimately ends in trouble for the carrier, everyone agreed. Additionally, dispatchers' comments revealed that tight schedules and delays go hand-in-hand and, all too often, the problems are discovered too late for adjustments to be made. Even in such situations, however, dispatchers agreed that a great deal of respect is gained by telling shippers the truth.

- **Carrier/brokers:** Similar to the dispatcher groups, carrier/brokers complained of poor communication between internal and external (shippers) sales personnel and themselves. A sales person's promise to a shipper forces a carrier to make a choice between meeting shipper demands and meeting carrier and driver capabilities. More open communication is needed between traffic and sales departments, participants said, to better ensure efficient pickup and delivery of freight.

As stated earlier, it is not uncommon for carriers to wait while a shipper's product is being completed. Waiting is due in part to a lack of communication between a shipper's sales and production offices. Carriers are expected to make up the time lost, regardless of the fact that the delay was caused by a shipper, confirmed many participants.

As a result of keeping the receiver's goals at the forefront, there is tremendous pressure on carriers to deliver on time and this is communicated to carriers. Carrier/brokers also think that shippers do not care about how the shipment is delivered, nor are they concerned with planning for delays.

- **Shippers:** A shipper's sales personnel make pickup and delivery promises without checking if jobs are feasible. Delays occur, they said, because one part of a company is not talking to another part of the company.

Since the pressure to pick up and deliver can be extremely intense, shippers prefer to learn about carrier delays as soon as they occur so scheduling adjustments can be attempted. A reason why carriers do not notify shippers of delays in a timely fashion is because a carrier's desire to keep a shipper's business becomes more important than alerting the shipper of the delay, participants said. In some cases, carriers do not notify the shipper of delays until it is too late to adjust a schedule. If a carrier's delays are honest ones, the carrier would be used again.

Participants feel there is a significant "disconnect" among parties involved in shipping freight and problems do not seem easily rectified. What is clear, however, confirmed all groups, is that a work environment becomes stressed when competition, tight schedules, JIT, appointments, delays, misconceptions and miscommunication permeate a job.

In conclusion, to better ensure open communication, participants agreed that:

- The effective shipment of freight depends on open, honest relationships among all parties involved in shipping freight;
- The rapport between drivers and dispatchers must be positive to better ensure efficient flow of information;
- Carrier and shipper sales personnel need to work closely with traffic departments before promises are made;
- Receivers must be educated about realistic transit times and distances;
- Shipper sales personnel need to be honest with receivers about schedule feasibility;
- When there are delays, dispatchers should notify shippers in a timely manner so schedule adjustments can be attempted; and
- Grace periods should be factored into pickup and delivery schedules. Drivers and carrier/brokers intimated that such grace periods probably do not exist while shippers said that lead time is factored in.

Suggestions for improved communication

All participants agreed that communication between shippers and carriers is key to the shipment of freight. Both entities rely on each other and shippers in particular noted that good, reliable carriers were critical to their operations. Carriers must be treated fairly and communication must be open and honest in order to fulfill some of the tight scheduling requirements that are so prevalent in today's shipping environment.

Likewise, open communication between shippers and dispatchers is critical because dispatchers direct drivers' activities. All participants agreed that, dispatchers direct the flow of information about tight schedules, delays and other problems. Drivers and shippers must keep them informed, participants said, in order to maintain schedules effectively.

Participants agreed that keeping communication channels open, and alerting appropriate parties of any delays as they occur is an effective way to deal with pressures inherent in shipping freight. Additionally, participants noted, individuals involved in the shipping process, namely sales personnel and dispatchers, should be fully aware of traveling times and distances before promises are made.

The industry has begun to develop and implement strategies to improve communication in the areas that yield the most tension. Sales personnel and dispatchers are sensitized to the potential repercussions of their actions by exposing them to the parts of the industry where they have the most impact. For example, some shippers confirmed that their sales personnel are required to attend traffic meetings so they can gain a more comprehensive picture of the shipping process.

Likewise, as stated in Section 3.112, some dispatchers are required to go on trucks every 6 months so they can better understand what drivers experience. As long as communication lines remain open, problems might be rectified, asserted many groups.

3.41 Independent drivers

Independent drivers focused on two areas of communication:

- The relationship between dispatchers and drivers and how information is communicated; and
- Independent drivers have little protection against “industry abuses.”

The dispatcher-driver relationship and how information is communicated

Independent drivers focused on their relationship with dispatchers and brokers. Dispatchers and brokers accept, reject and dispatch jobs to drivers. They are the point of contact for drivers in most circumstances. From the drivers’ perspectives, dispatchers and brokers are the responsible parties in the shipping process and blame is placed on them when a driver believes that schedule requirements are unreasonable. Said a driver, “You don’t put [the responsibility]...on the shipper. You put it on the broker or the dispatcher because they’ve accepted this job, because they’ve accepted something that they already knew was impossible to do.” While the role of both parties was discussed among independent drivers, there was greater emphasis on dispatchers.

All drivers agreed that communication between dispatchers and drivers is key to the shipment of freight, because most drivers do not talk directly to shippers. While this is true, participants said they receive mixed messages from dispatchers such as, “Some companies will tell you to be safe, don’t do this, don’t do that, but DON’T BE LATE!” Dispatchers must be benefitting from these rush jobs; why else would they be placing the pressure on drivers to deliver, participants said.

Dispatchers also say, “let’s get the job done, but let’s not make it look like we did anything wrong,” noted a driver. Some dispatchers, they said, talk in code with drivers when pickup and deliveries might require a driver to do something illegal.

One driver said that if a dispatcher says “call me” rather than using a satellite or computer communication device, then the driver knows that the dispatcher wants to tell him something off-the-record. Carriers do not want drivers to do anything illegal but dispatchers want the freight to arrive on time. As a result, drivers are left feeling as if they have to make a choice between safety and completing a job as a company requests.

Carriers have a way of punishing drivers if they do not perform as a company asks, said participants. Some of the larger companies let drivers sit for 24 hours and then dispatch jobs to them that will not be loaded for another 24 hours. This led drivers to believe that, “the man behind

the desk, the man behind the phone is getting fatter and fatter...The guy [who is] actually doing all of the physical labor...is getting the weak end of the stick—it shouldn't be that way," said a participant.

Independent drivers have little protection against "industry abuses"

Both groups agreed that independent drivers are not unified and that perhaps if they were, many of the abuses they suffer would not occur. As a result, participants concluded that they have no recourse for any of the problems cited above, unless a driver is a part of a union. As one driver said, "There's got to be somebody, somewhere who will listen to us." They said that there was no Federal agency they could go to who would hear their concerns. "You can't go to those people at the OMC. That's like going to the White House," a driver said. "Companies who run illegal, there is nobody to call...I wish there was an 800 number for me to call the Federal DOT so I could complain," said another participant.⁹

3.42 Carrier-employed drivers

Carrier-employed drivers emphasized three areas in their discussions:

- Communication between dispatchers and drivers;
- Communication between carrier traffic departments and sales personnel; and
- Carrier-employed drivers receive mixed messages.

Dispatchers and drivers

Carrier-employed drivers acknowledged that efficient shipment of freight depends on a strong partnership between dispatchers and themselves. Drivers know what is realistic, they said, and it is up to them to negotiate with dispatchers when a schedule is unrealistic. It is a dispatcher's responsibility, they said, to contact consignees when drivers are detained at another location.

As stated in Section 3.31, while carrier-employed drivers acknowledged that a dispatcher's role is pivotal to the shipping process, he can also force a driver out of the business. Carrier-employed drivers also said that there is no one to complain to if jobs are refused. Said a driver, "You have nobody...you can't go to the dispatcher, because the dispatcher [calls you] a troublemaker." Similar to their independent counterparts, these drivers confirmed that, "you can't call the DOT, whose going to represent you?...There is no immediate solution," said participants.

⁹ The OMC does have a toll-free number and an Internet address, both of which are extensively used by the motoring public. It is important to note that many drivers were not aware of these resources.

Carrier traffic departments and sales personnel

All participants complained about sales personnel who communicate promises to shippers. One driver noted that his company's sales person tells shippers that he can ship products better and cheaper than other carriers. Delivery promises are made before the product is even completed. "The minute [the dispatcher] tells [a driver]...to go and pick up a load...[sales personnel]...are calling Massachusetts saying, '8:00 tomorrow morning, no problem.' [The driver]...doesn't even have a box on his truck yet, and the appointment is already made." Drivers are then responsible for keeping the promises. Carrier-employed drivers agreed that there seems to be little protection, aside from being a member of a union, from the tight schedules and delays that can occur after these promises are made. Drivers concluded that a grace period should be factored into the pickup and deliveries.

Carrier-employed drivers receive mixed messages

Carrier-employed drivers contend with the double message of moving the product safely but quickly to its destination. "[The] boss tells me to get a load there as-soon-as-possible, but in a safe manner. Does that make a lot of sense?" asked a participant. While carriers do not want their drivers to break the law, many condone this practice by providing cash incentives for ensuring quick delivery of freight, participants said. One driver got a \$500 bonus for carrying a load from Riverside, California to Philadelphia, Pennsylvania in 59 hours. This was total time on the road. He received his bonus for getting the load to Philadelphia on time.¹⁰ "You get an incentive here and there—a little bonus, a kickback. You might get a couple of days...[at home]...; there are all kinds of perks." Drivers confirmed that nothing shows on paper. Such practices led some drivers to believe that while their job is important, they are taken advantage of whenever possible. Concluded one driver, "Truck drivers are like whores. [Carriers]...use you up and throw you away when they're done with you."

3.43 Dispatchers

Participants confirmed that successful shipment of freight depends on effective communication between parties involved in the shipping process. "It takes years to build a reputation and 30 seconds to flush it down the toilet," confirmed a participant, and close communication is important when a shipment is tight and unexpected delays—bad weather conditions, rerouting problems and equipment breakdowns—interfere with a schedule. Unlike other groups who talked about relationships outside of their own experience, e.g., the relationship between traffic and sales from a carrier-employed driver perspective, dispatchers placed themselves in pivotal roles with other parties involved in shipping freight. As a result, dispatchers emphasized three areas. Communication between:

- Internal sales departments and dispatchers;

¹⁰ The \$500 bonus was given to the driver by the carrier's owner who apparently obtained the money from a shipper or the receiver.

- Drivers and dispatchers; and
- Shippers and dispatchers.

Internal sales departments and dispatchers

Dispatchers concurred that the successful shipment of freight depends on effective communication between a dispatcher and a carrier's sales personnel. Carrier sales personnel often make delivery promises and dispatchers are forced to decide whether promises can be fulfilled. What motivates a promise to be kept, regardless of how unrealistic it may seem, participants said, is the threat of losing business to a competitor. Said one participant, "The customer wants; either you produce or they'll go somewhere else."

As stated in Section 3.113, sales personnel set general shipping schedules with shippers and dispatchers set schedules in motion. A good salesperson is someone who will ask a dispatcher *if* a shipment can happen rather than *when* it can happen. There was a consensus among most dispatchers that more of this communication style and sensitivity is needed.

Drivers and dispatchers

The relationship between drivers and dispatchers is critical to the shipping process. Dispatchers must know their drivers well enough to accurately schedule pickups and deliveries. Most dispatchers said they were sensitive to driver needs. As a dispatcher said, "I have an all owner-operator fleet and they are very concerned [about] how much work we have—what's it look like tomorrow." The dispatchers talk with their drivers more than drivers talk with their families, they said, and a good dispatcher also must be a "pop psychologist." They must be able to protect their drivers while balancing customer needs. "I try never to promise something that I can't produce or I tell [the customer] up-front, 'it's going to be really close, but we'll do our best...' I used to drive and I know what the drivers have to go through. Not everybody does that and a lot of dispatchers have never driven and they have no idea about delays and the problems that the drivers face," said a participant.

For some dispatchers, there may be a perception that drivers are not taking their job seriously if they are delayed. As a dispatcher said, "We've got to put some of the blame on the drivers: I call it the triple P's—'Poor Planning = Poor Performance...' You give a driver a 400-mile load and give him 10 hours to do that, but he goofs off at the truck stop and he kills himself trying to get the load [delivered]...Drivers are on their own, you're not in the truck with them."

Dispatchers confirmed that, "a driver [who] whines too much and doesn't want to push himself will not get good runs or loads. Our reputation with the customers is important. If you have a driver that's repetitively not getting there on time,... that's a reflection [on] the company, not just [on] the driver. I don't want him on those loads, I don't want him on anything that's critical. So he gets the worst of the loads," explained a participant.]

Shippers and dispatchers

Critical to the shipping process is the need for honesty and open communication with shippers, participants said. At the first sign of trouble, the carrier needs to notify the shipper who might be able to make schedule adjustments. If dispatchers are given ample notice of delays from their drivers, they can appropriately alert shippers. Confirmed a dispatcher, "If you show up ...two hours late and don't call, forget it. You gain a great deal of respect by telling people what happened. At least they know [the freight...is coming as opposed to hanging out there in limbo.]"

Dispatchers confirmed that making false promises to shippers is the worst thing dispatchers can do. "I can either meet [shipper] requirements or not. If I can't meet their requirements, here's what I can do for them. If that's good enough, I still get the load, but the long and short of it is that by lying to customers..., your reputation goes down the tubes."

All too often, dispatchers may not be notified when there is a problem until the freight is being picked up or delivered. At that point, it also may be too late to modify a schedule. If there is a possibility of a driver meeting schedule requirements, even if he is delayed, the dispatcher may hesitate to notify the shipper because he knows that the shipper might use another carrier if he discovers that a delay is eminent. As a dispatcher said, the industry has created its own problems by not sticking together—all carriers know that the competition can easily take business away.

3.44 Carrier/brokers

Carrier/brokers emphasized three areas in their discussions. Communication between:

- Dispatchers and drivers;
- Traffic and sales personnel; and
- Carriers and shippers.

Dispatchers and drivers

Efficient delivery of freight depends on mutual respect between drivers and dispatchers. Said one participant, "[My dispatchers...have the driver's concerns at-heart. They know him, they know about his family..., the chemistry is there..." As a result, concluded another carrier/broker, "A good dispatcher...is respected [by]...drivers [because they know that] he will take care of them. That's really key for a good operation." Similar to dispatcher comments, participants said they are not in the trucks with the drivers and that a dispatcher must have a comprehensive view of his drivers so he can more accurately meet shipper and driver demands. Said a participant, "[A dispatcher] sees a lot of deliveries off every day and has to keep track of all his equipment...Our drivers have learned to like him a lot; they work well with him; he works well with them. He needs to know their hours available every day so he can work them properly, get them in and back off the road on time...It's a big job, it's well-recognized, and it should be." A good dispatcher, participants concluded, would not demand that a driver adhere to an unrealistic schedule.

Traffic and sales personnel

All carrier/broker participants represented traffic or management operations departments. Their perspective on the role of sales personnel came from a traffic/management operations perspective. Participants confirmed that a lack of effective communication between internal sales and traffic personnel create tension and confusion for carriers who are forced to make a choice between satisfying a customer and meeting driver needs and carrier capabilities. Or as another participant confirmed, “Sales is going to kill me. This [driver] is going to be two hours over [his HOS]; this time, sales wins out.” Similar to other groups, participants said that sales personnel make delivery promises without consulting traffic departments.

Participants had similar complaints about shippers’ sales personnel. They too make promises without checking with their traffic departments, carriers/brokers said. Confirmed a participant, “...You are dealing with a marketing person or a sales person [who]...didn’t check with the production people, to see if the product was packed, wrapped, palletized, ready to go. ...They have an order, it’s time to go,...send the truck in, ‘oh, we’re still packing it—be with you in about three hours.’”

Carriers and shippers

Participants said that, “80 percent of [the]...problems are caused by the ship[pers]..., that’s where it’s at,” a carrier noted. Particularly with their heavy use of JIT and appointments, shippers can place tremendous time constraints on carriers. Additionally, the carrier/brokers believed that shippers do not understand the rules and regulations of the road as well as actual distances and travel times. These circumstances make communication both critical and difficult. It is important to be honest and open with shippers, particularly when carriers feel a schedule is unrealistic or if delays on the carrier’s side occur. In these situations, carriers talk with shippers about alternative shipping strategies. “If they ask for something unrealistic, we look for teams with the idea that if you want to pay for a team we can do that schedule, but here’s the pricing on the team. If they don’t want to pay the money, we won’t do the business with them,” said a participant. Most carriers firmly stated that if a choice had to be made, they err on the side of safety, ensuring that their drivers are not placed in unsafe situations. “We’ll contact the customer to let them know that [the schedule is]...unrealistic, we can’t meet the schedule...[The driver]...cannot make that distance, we’re not going to jeopardize the driver...,” concluded a participant.

3.45 Shippers

Shippers discussed the importance of effective communication among all parties involved with shipping freight. Regardless of whom they communicate with, participants confirmed that if shippers are alerted to problems early enough in the process, adjustments to a schedule are probable. “If you get the communication in the proper amount of time,” said a participant, “you can eliminate the problem most of the time.” While this is true, participants confirmed that one delay can create additional delays and open communication can prevent problems from escalating. Shippers emphasized three areas in their discussions. The relationship between:

- Carriers and shippers;
- Traffic and shipper operations (production and sales departments); and
- Traffic and receivers.

Similar to carrier/broker groups, the shippers represented traffic or management operations departments. Their perspective on the shipping process and the relationships that make it work come from a management/traffic orientation.

Carriers and shippers

The successful shipment of freight depends on a strong relationship between a shipper and the carrier(s) that support his efforts. There was a consensus among all participants that carrier(s) should be frank and honest about delays and scheduling feasibility. "...I would rather have...carrier(s)...be honest— [and tell me] the best [thing] that could possibly be done in these hours...", a participant said. "I'd rather know up front...if a carrier can't deliver, I get upset if [he]...waits until the last minute [to call me]," concurred another shipper. A participant stated that even with tight schedules, safety spots are built in for delays. Participants acknowledged that the heavy use of JIT, appointments and tight schedules require close communication. The tighter the schedule, the more critical communication becomes. As long as communication channels are open, the shipping process flows more easily, concluded participants.

While open communication is critical, participants also acknowledged that it may cost a carrier business. A shipper confirmed that she ships freight at the last minute and if a carrier tells her that a schedule cannot be met, she will find another carrier who can. This is where a dilemma arises—if a carrier does not want to lose the business, he will do his best to meet schedule requirements. For example, if a carrier's equipment breaks down and the shipper is not notified about the problem, the driver still tries to meet the schedule, participants agreed. Additionally, carriers who want to keep a shipper's business, "...don't tell you, 'I don't have the equipment. Call me on the next load,'" said a participant.

Shippers had two responses to this dilemma:

- Many schedules can be adjusted if shippers are given ample notice. If delays are honest ones, the carrier will be used again. While this may be true, as one participant confirmed, "I don't think the drivers [and carriers] think the shippers would be fair to them."
- Shippers also confirmed that they "...can either accept the delay[s] or try to find another carrier..."

All shippers stated that they communicate with the carrier's dispatcher, sales personnel and/or the terminal manager when confirming or changing the details of a schedule. They do not talk directly to drivers and changes are communicated through a carrier's dispatcher to drivers. Since drivers are not in direct communication with shippers, there is always the possibility of losing important information that may be pertinent to meeting deadlines, they said. As a result, participants affirmed

the importance of building good working relationships with carriers to better ensure the flow of information and to retain good carrier service. It is a relationship that takes time and effort, shippers said. At least half of the participants noted that some shippers threaten carriers with repercussions if they do not do what is asked of them. "I can tell you," said a participant. "I know people that do run 'fear shops...' There are people who scream, holler and threaten." These shippers are not going to have the rapport that is needed to make the shipping process run efficiently.

Traffic and shipper operations (production and sales departments)

A lack of communication within shipper operations can affect schedules, create delays and contribute to carrier frustration, participants confirmed. Traffic managers, they said, are usually notified of problems when they reach a critical stage. "Usually the traffic manager is the last one to know about these things...Then we are supposed to perform...miracle[s]...", a participant said. Common problems that have concrete solutions include:

- **Production delays:** "The plant may not tell me that there's been a delay and I don't know that the trucker's been sitting there for a couple of hours. But if there is ever a time when I do know, I may be able to get a late day arrival for that ship. A lot of times you can fix it if you know," said a shipper.
- **Sales personnel's unsubstantiated promises:** Shippers talked extensively about problems associated with sales personnel. They acknowledged the tension between sales and traffic departments. "We could blame everything on sales because they always blame everything on us," a shipper commented.

An internal communication problem experienced by shippers occurs whenever a shipper's sales personnel make delivery promises without consulting the traffic department. Another participant said that, "What sales personnel want are generalizations and as soon as we do that, that's when we get into trouble." Generalizations do not take the unpredictability of traveling time, distances and delays into account. The participants said that sales personnel need to:

- Know what the ramifications are of promising deliveries to customers;
- Become better educated about the shipping industry; and
- Participate in training activities that will enlighten them about the shipping process.

Sales personnel in some companies are encouraged to use special computer programs that will educate them about traveling distances and times so they can better estimate general delivery schedules. Another shipper participant who is the traffic manager for his company said that when tight schedules are promised by sales personnel, he wants a written directive from the sales office that it will take full responsibility for the shipment. He said, "Sales is always [promising something]. It's the nature of the beast. What I want from them is a written directive...that they will make arrangements for this move..." Another person noted that the company's sales personnel

now attend the carrier's operational meetings so that they can better understand the parameters of shipping freight from one point to another. Sales people need to know what the ramifications are of promising a delivery to a customer, concluded participants. "We've done our best to educate our inside sales force, don't promise anybody anything unless you call us," said a shipper.

Traffic and receivers

Finally, shippers concurred that receivers do not know what are realistic or unrealistic transit times and distances. They pass on their impractical and unreasonable expectations to shippers and shippers are asked to meet their needs. Said one participant, "...That's the problem you're dealing with. Most of them have that mind-set." Shippers need to educate receivers/customers about distances and travel times. Participants acknowledged that they set limits on their receivers and have refused to deliver shipments that place the shipper in vulnerable positions. While this is true, participants said that some shippers will meet receiver demands, regardless of the circumstances, because they need the money. A shipper concluded, "We know what we're doing, but how about the ones that don't."

In conclusion, given the fact that focus group and participants are self-selected, an education campaign that acknowledges the pressures that all shippers are under and clarifies effective strategies on dealing with those pressures, might be appropriate.



CHAPTER 4: ADDITIONAL FINDINGS

A number of topics were discussed across most groups that did not directly correspond to the major subject headings of this report. While some of the findings do not necessarily reflect “shipper involvement,” it is important to examine these issues, however briefly. According to participants, these concerns directly relate to problems associated with scheduling deliveries, loading and unloading, industry pressures and communication challenges.

Topics addressed were:

- The adequacy of driving schools to provide training; and
- Related issues
 - Tracking the HOS;
 - Log books; and
 - Meaning of rest.

Unlike other sections of this report, there may not have been enough data in some instances to subdivide the information by audience. As a result, “Tracking the HOS” and “The meaning of rest,” subsections do not have individual audience analysis.

4.1 The adequacy of driving schools to provide training

General conclusions

Most participants expressed dissatisfaction with the level and amount of training young drivers receive from driving schools. Schools that are owned and operated by large carriers, they said, cause most of the problems. Large carriers entice potential new drivers with a promise of paying for school and steady employment. In many cases, the two to three weeks of training they provide does not adequately prepare drivers for the challenges they will face on the road.

Participants said that these new drivers may be ill-prepared to:

- Handle a large vehicle;
- Route a trip;
- Manage time on and off the road; and
- Accurately complete log books and other paper work.

Once they graduate from school, said participants, new drivers are given unrealistic schedules that they are expected to fulfill. The groups stated that these schedules are accepted for three reasons:

- Driving school graduates are told that there are other new drivers waiting in line to take their places if unrealistic schedules are refused.
- Many graduates are truly indebted to carriers, paying off education and truck loans.
- New drivers need to build up their time on the road in order to make better wages. Many of the carriers and drivers noted that at least two years of driving experience is optimal. Because of this, new drivers have little choice but to stay with a carrier that can give them the miles they need, participants concluded.

Most participants agreed that large, long-haul carriers are known for hiring individuals fresh out of school—individuals who might lack the knowledge and experience needed to drive trucks safely and effectively. Participants asserted that these companies take advantage of young drivers because these drivers are hungry. They are forced to drive long hours for little pay.

The problems faced by young drivers was a serious concern for most participants. Additional research is suggested to clarify and confirm participants' concerns, given the fact that no new drivers were present in the focus groups. Perhaps standardization of requirements outside of those stipulated in obtaining a CDL, which would provide general operating parameters for driving schools, needs to be addressed.

Similar to other sections in this report, individual audience analysis follows. There will be no shipper group analysis because the shippers placed no emphasis on this issue. Perhaps this is because, as shippers said, they hire carriers, not drivers.

4.11 Independent drivers

Independent drivers said that driving school graduates are ill-prepared to face the challenges experienced on the road. "You get in the young guys from the Sears and Roebuck schools and they don't know nothing about trucking...A lot of these guys are lookin' at a big shiny truck, talkin' on the radio, and that's it," said a participant.

Many larger carriers, noted the participants, also operate driving schools. These companies run ads saying "no experience needed" and "training will be provided." Participants felt that this makes for an easy recruitment mechanism, as well as a way for a new, young driver to be indebted to the carrier if his tuition has been paid by that carrier. Since the pay for a beginning driver is low, that individual may be indebted for a long time.

Finally, the level of training new drivers receive from driving schools, participants said, is inadequate. Students spend time studying books and they are in a truck with other student drivers.

Some participants noted that some student drivers only spend 10 hours driving behind the wheel.¹¹ Independent drivers agreed that this can be very dangerous. Noted one driver, "Just because you can get behind a wheel of a truck, change the gears and drive, does not make you a truck driver."

4.12 Carrier-employed drivers

Similar to the independent drivers, carrier-employed participants recalled story after story of training schools enticing potential young drivers with promises of steady income. Said a participant, "I've seen larger companies at welfare, social security and unemployment [offices] tell a person they'll give him a \$1000 to go to their school. After two weeks of training they are out on the road." Participants confirmed that the training these new drivers are receiving in some cases is insufficient. Many of the larger carriers place two trainees in the same truck. Some drivers called this, "...putting dumb and dumber in the same truck. They have maybe two or three weeks with a trainer..."

Carrier-employed drivers also stated that many new driving school graduates are indebted to their carriers because the carrier has paid for their schooling. As stated earlier, new drivers are at an economic disadvantage. "Rookies coming out of those training schools...they've got to take anything to pay those loans back, then they've got to try to feed their families, so they've got to accept almost everything and anything," said a participant. Participants also confirmed that large carriers are more prone to hire new drivers and to take advantage of them. Such statements as, "Most of your bigger over-the-road trucking companies...they get the trainees, they know that they can abuse them," were heard in both carrier-employed driver groups.

4.13 Dispatchers

Dispatchers focused on the level of training and experience of new drivers. The dispatchers compared those drivers who "have driving in their blood" because their parents have been drivers, to those individuals coming out of driving schools. Driving school graduates, they said, are much more difficult to train because they lack practical experience. "The younger drivers who have the background are a lot easier to deal with. The drivers...who come out of driving school...don't have a clue. [They are as] green as all get-out [and] trying to train them...is very difficult sometimes," said a dispatcher. The dispatchers concurred that at least two years of driving experience is needed in order to be comfortable with the challenges a driver faces. It takes five years of driving experience to be considered "seasoned."

¹¹ The Professional Truck Driver Institute of America, a national, non-profit organization which certifies training programs offered by truck driver training schools, requires a minimum of 44 hours behind the wheel training for its program. The Truckload Carriers Association assumed the management of the PTDIA on July 1, 1996.

4.14 Carrier-brokers

Similar to the other groups, carrier/brokers confirmed that driving school graduates lack the experience and ability to perform adequately on the job. They said that some schools, which provide only 2 weeks of schooling, may include only 4 hours of actual driving time (this contradicts independent drivers' opinion that some students drivers have 10 hours of actual driving time). "You can't prepare a man to go out on the road in 2 weeks," stated a carrier-broker. One participant confirmed that driving school graduates could only be hired as a team driver. Even in this case, many carriers noted that their "seasoned" drivers are reluctant to team with them. "Most people are not able to sleep behind a driver unless he knows him really well," said a participant. If a second person in a team is a trainee, the senior driver does not trust his capabilities.

In response to some of these challenges, some of the carriers have implemented stringent requirements and supplemental training activities. Some carriers require:

- Two years of verifiable experience and the driver must be 25 years of age.
- Two years of experience on the road, 14 weeks as a team driver and participation in a two-week safety course.
- At least 1 to 3 years of experience with knowledge and experience in the field.

4.2 Related hours-of-service (HOS) issues

General conclusions

Participants focused on several key issues related to the HOS violations and there were some general findings across all groups. All participants agreed that HOS regulations are violated and some drivers keep multiple log books in order to *appear legal*, even though this practice is *illegal*. Many participants said that drivers need to keep multiple log books out of necessity. Some drivers attribute this practice to dispatchers and carriers who force them to accept jobs, regardless of their HOS status. Some dispatchers and carriers said they may have no choice but to ask a driver to complete a job if there is no one else. Other dispatchers said that keeping multiple log books is a product of poor planning on a driver's part.

Participants discussed the relationship between driver experience and HOS. Participants were adamant that the more experienced a driver becomes, the better he is able to effectively use the 10 hours of driving time. Many participants felt that inexperienced drivers tend to plan their hours incorrectly or do not know how to plan. HOS violations can become a problem in this scenario.

Drivers know what the repercussions are for violating the HOS in the form of falsifying a log. As one driver noted, "You send your log in after each trip. If you've violated your log...you would get a log violation. After a certain amount of log violations, they'll bring you back in and teach you how to do your log. If you've violated, you could get fired." Sometimes, however, the risk of

“making a run” outweighs the potential cost, most drivers concurred. This issue is discussed further in Section 4.22 Log Books.

Dispatchers said they would never knowingly dispatch a driver who was out of hours. A dispatcher confirmed that if he tells a driver who has completed his HOS to accept a job, then the dispatcher is held responsible for the entire load, including the fines that may be incurred. “If a driver tells you that he is out of hours and you order him to take that load, then you’ve just assumed the responsibility to take that load,” said a participant. Another dispatcher confirmed, “The owner of my company goes to every safety meeting and tells drivers that if I tell them to run over hours he wants to know and then I’m out the door.”

Dispatchers confirmed that money can be the incentive for drivers to violate their HOS. A dispatcher said, “[A promise of a bonus could]...make people drive haphazardly as opposed to people operating in a safe and efficient manner...The incentive scenario is offered to us as a carrier to give to the driver. I don’t want to mess with that. The shipper might give the driver \$50.00 extra.” Another dispatcher said, “I would rather pay a driver in safety bonuses, rather than paying him a bonus for being there on time. Give him the safety bonus because he didn’t run.”

HOS violations were taken seriously by all carrier/broker participants. Said one participant, “It matters 100 percent to us...It won’t be tolerated, period. We care, and want to keep... good, core driver[s].” What is really scary, as one participant noted, was to see drivers who look as if they are obviously out of hours while they are still en route. “Some of these guys comin’ in...are scary...[They] look really strung out,” noted the participant.

Shippers concluded that keeping track of drivers’ HOS was not their responsibility. Said a shipper, “I don’t hire drivers. I hire trucking companies. If a trucker doesn’t have the number of hours, then he shouldn’t be driving. It’s the carrier’s responsibility if the driver doesn’t have enough hours.” Another participant said, “I would never know if [a]...driver is complying with the HOS. I don’t want to have to check that either.” While this is true, shippers acknowledged the importance of hiring carriers that were reliable and trustworthy. “The biggest word is liability,” a participant said. “You don’t want a carrier that doesn’t serve the best interest of the company.” Other shipper requirements included:

- “[I’m looking for a]...good clean rig—a nice lookin’ piece of equipment [and] no problems.”
- “I want a copy of the CDL and insurance [papers]. I’ve turned down drivers [who don’t have this documentation].”

Specific findings across most groups related to HOS violations included:

- Tracking the HOS;

- Log books; and
- Meaning of rest.

4.21 Tracking the HOS

General conclusions

According to the majority of participants, dispatchers and carriers take primary responsibility for tracking drivers' HOS. A participant from a carrier/broker group said that everyone has a quality control system in place. Some carriers have automated systems that verify whether logs are correct. A carrier can also check toll tickets and fuel receipts. Some participants said that the primary responsibility for policing the industry comes from the carrier, not from DOT, and the carrier/broker participants take log book infractions seriously. "I want to make sure I'm in compliance. I'm responsible for 900 other people in my company. I'm not going to jeopardize their position over falsifying logs or having the drivers forge on the logs. I don't care what the other carriers do. I want to be responsible to my company and my people," said a member of a carrier/broker group.

While keeping track of drivers' HOS is taken seriously, dispatchers also acknowledged the difficulty of keeping within the HOS. As stated in Section 3.3.13, the pressures they are under to deliver weigh heavily against keeping drivers legal.

Dispatchers are responsible for procuring a driver to move freight; and the shippers and brokers do not want to hear, nor do they care about, HOS problems, confirmed the dispatchers. As a result, a participant said, drivers may not tell a dispatcher that he is out of hours. A dispatcher said, "It's a thing between dispatchers and drivers—'Don't ask, don't tell'. A dispatcher isn't going to ask the driver what are your hours and the driver who wants to make money is not going to tell you. It's called 'credible deniability.'"

Some participants in the dispatcher and carrier/broker groups felt that if a driver says he is out of hours, it may mean that the driver does not want to accept a job. A dispatcher said, "Driver can use it as an excuse 'I'm out of hours'. I want them to prove it to me." A carrier/broker agreed when he said, "The only time a van operator tells me he's out of hours is when he doesn't want to do it or it's not profitable. If it's profitable he'll find some way to do it."

4.22 Log books

General conclusions

There was a general consensus among most groups that log books are not taken seriously. Log books are also known as "liars' logs or comic books," said drivers, dispatchers and carrier/brokers. While log book abuse is an enforcement issue, drivers, dispatchers and carrier/brokers presented extensive, conflicting information about their use.

In fact, log book abuse segues into many of the topics addressed in this report—appropriate documentation of drivers' loading and unloading responsibilities; lack of communication around HOS violations; waiting time documentation; and the conflicting pressure that drivers and carriers feel in either meeting shipper demands or staying legal.

Two problems related to log books emerged across most groups:

- Drivers have difficulty tracking their hours; and
- Falsification of log books and keeping duplicate logs are common.

Because there are so much data on the subject by target audience, this section will be divided according to the audience. Shippers did not place significant emphasis on log book violations and a subsection is not necessary.

4.221 Independent drivers

Many drivers said that while they are never told verbally or in writing to keep more than one log book, the schedule of shipments implies that more than one log is needed. This is why some drivers call log books comic books. Said a participant, "I've been told to do 'creative logging' but not to log illegal...[These] are downright illegal logs and that's what you've got to do part of the time to meet some of these schedules that these companies want you to do. There's no other way..."

Independent drivers said that some dispatchers were unsympathetic when they are told that a driver is out of hours. A driver said, "...I told my dispatcher I was tired and out of hours, he told me to throw the log book away and get another one." Another driver added, "[My dispatcher said, 'You can't be out of hours, there are plenty of logbooks for sale at the truck stops.'"]"

Keeping extra log books also has financial implications. The more hours a driver has available, the more money he can make. While the following statement from a driver appears to be extreme, the sentiment behind his words—financial pressures that driver's face may force them to violate their HOS by falsifying a log—were expressed by many drivers. "I've been caught with two and three [log books before], and I've been fined...too,...When 70 hours go by, to me that's three and 1/2 days and I've three and 1/2 more days to go. What am I gonna do? I can make money...My new truck cost me \$162,000.00. I've got to pay for it. I've got to put the miles on that bad boy. The only way to do that [is] by lying..." said a driver.

Another driver concluded that HOS are irrelevant; 10 hours of driving per day was enough, he said, and what truly matters is a driver's rate. He concurred, "...If you ran for a decent rate, you could run your 10 hours, get your 8 hours sleep and pick up and run again..."

4.222 Carrier-employed drivers

All carrier-employed drivers talked about problems associated with log books in relation to fulfilling tight schedules. All knew how log information is confirmed and what the repercussions are for falsifying or having duplicate log books. "Our company checks our books every single day. We

have to turn in a log, a mileage sheet and a time sheet...It was never done until we were bought out and they said, 'Hey, it's going to be done and it's going to be done right,'" said a carrier-employed driver. This knowledge does not necessarily lead to the correct completion of logs and all of the drivers had colleagues who were not totally truthful in documenting their hours on the road.

Most participants were against falsifying logs. "I wouldn't do it, for my own personal safety reasons, but there are guys [who will,]" a participant said. A union driver said that he would not use more than one log. Another participant concluded, "If a guy is falsifying his log, he should get hit. If you need more than 70 hours in a week, that's just unsafe and unrealistic."

Many of the drivers concluded that HOS violations are partially caused by carriers whose needs exceed the hours available to a driver. As a result, dispatchers are known to "look the other way" at log book violations because it saves a carrier time and money, participants agreed.

Drivers also said that individuals who violate their HOS are not making a significant amount of money over what they would have made without violating their HOS—as one participant said, a driver may accrue an extra \$100. This point, combined with the fact that many drivers are expected to pay for any fines incurred, suggests that drivers must weigh the risks of violating their HOS carefully.

4.223 Dispatchers

As stated earlier, some participants said that there is a mutual lack of disclosure between dispatchers and drivers. Dispatchers will not ask drivers if they are out of hours nor will drivers tell dispatchers the status of their hours. It is unclear whether this is common practice or whether it represents a small minority of dispatchers.

Some dispatchers openly acknowledged the existence of duplicate log books. Said a participant, "Want to hear a trick? Our drivers don't carry more than one log book. They have a pretty one that they give to the cops and it looks perfect. Then they have a real one and it's like it's on fire and it's chasing them down the road." Any driver who has been driving for a year, a participant said, knows how to "fix a book." These responses reflect the participant's acceptance of the problem.

Other dispatchers talked about the importance of staying honest with hours. "...Integrity plays a big part in this game. If you stand by what you say, then you have guys who will...pay attention to what their hours are..." a participant said. Many dispatchers felt that management needs to do a better job of educating drivers on how to correctly complete their log books. They said that drivers do not have a full understanding of their paperwork responsibilities, nor do they want these responsibilities. While it is illegal, long distance drivers in particular can be shown how to "work a log book" to a driver's advantage. For example, a participant said, "A lot of guys don't know how to work a sleeper cab. You can pick up all kind of hours if somebody in management shows the man how to do it. Legitimate long haul drivers can get things done by working the [paper work correctly.]"

If a log book is not filled out correctly, the truck can be pulled off the road. If a driver is within four hours of his last duty status, he will be allowed to complete his log book. Sometimes a law enforcement official will give a driver a warning or the driver can be fined \$500. In some cases, dispatchers said, drivers are expected to pay the fines.

4.224 Carrier/brokers

Both carrier/broker groups said that they would never tell drivers who were out of hours to drive. Likewise, they would never condone the falsification of log books. Even with these acknowledgments, participants still called a log book the “Liar’s Log.” Said a participant, “...There are so many ways you can go around [being truthful on logs]. Up at the top it says, ‘Everything on this document must read true and correct.’ It doesn’t mean that it’s true and correct, it just means that they can’t prove it any different.”

A weak point in the system, carrier/brokers said, is a dispatcher who does not ask a driver where he is on hours. As one participant noted, “You’ve got a driver who’s a hustler standing in front of you and [you] don’t even think to ask, so you say, ‘Hey, I’ve got this load, where are you on your hours...[he only has two hours left]. He shakes his head and says, ‘I don’t know.’ He’s out on a five or six hour run and he had two hours left. He didn’t know himself.”

It is the dispatcher’s responsibility to keep track of the . It is the company’s responsibility to maintain records on . Most companies have quality control systems in place that verify a driver’s log. Said a participant, “[The driver]...turns in a sheet of what he did...and a copy of his log.” If a driver violates his HOS, his carrier can be penalized.

Participants said if a driver is in violation of hours, and a submitted log does not reflect this fact, the carrier now has a falsified log. A carrier may send the driver a letter, pointing out the error. The carrier will turn the log back to the driver and ask him to correct the problem. This is the point when log book violations may not be taken seriously. Said a participant, “For all intents and purposes, this driver should not be dispatched until the log is corrected. Of course you’ve got 15 loads there, and you’ve got two guys to handle it, [and you ask] ‘Did you do that log yet?’ ‘No.’ ‘Well make you sure you give it back to me when you get back.’”

Participants stated that HOS violations were not limited to long distance drivers. For example, if a driver drives within a 100 air-mile radius of the normal work reporting location, he does not need to keep a log book, a participant said. The 100 air-mile radius exemption states that the driver cannot work more than 12 hours at a time.¹² One driver said that a freelancer or a “casual driver” who drives within these parameters could presumably drive for a full 24 hours and still remain legal. (While this account was misstated by participants, it is important to note that carrier/brokers were under the impression that this practice was acceptable.) Since no logs are being kept to track freelance jobs, participants said, hours are not being verified and there is little accountability.

¹² See Section 395.1 (e) in Appendix C.

4.23 Meaning of rest

The comments that follow reflect two common findings among most of the groups:

- The importance of taking time off and how that is managed; and
- Why drivers may not be resting during their time off.

Importance of taking time off and how that is managed

Most drivers acknowledged the need for taking time off. There seemed to be a lack of respect for the “renegade” driver who brags about doing superhuman driving under conditions that could create a safety hazard. Said an independent driver, “When an experienced driver is fatigued, he knows it and he goes to bed—it doesn’t matter where he is,” said a driver. A carrier-employed driver concurred when he said, “The man I work for [says]...if you get sleepy, go to sleep and take it in late because ‘His cows ain’t gonna die in one day.’ [The carrier]... don’t want his trucks wrecked.” Another carrier-employed driver noted that some of the bigger companies strictly enforce the 8 to 10 hour driving limit, particularly for long-haul drivers. The driver will have enough money to get a hotel room and a meal paid for by the carrier. This makes the quality of the job livable, concurred many of the carrier drivers.

Many drivers said they could not find a safe place to park their trucks so they can rest. Sometimes, the rest areas are full and the truck stops charge drivers for sitting. When a driver resorts to parking illegally on entrance ramps, for example, the police will force him to move with the threat of being fined \$50 to \$100. The irony is that a driver may be fatigued and out of hours and he still may be forced by local law enforcement officials to move his truck.¹³

Why drivers may not be resting during their time off

Unlike most people who work 9:00 A.M. to 5:00 P.M., a driver is on a 24-hour time clock. Noted an independent driver “[We’re] not like most people...you get up at 8:00 you’re at work by 9:00, you’re off at 5:00. You go home, sit around, watch TV, we’re not at home, we’re on the road somewhere.” In short, some drivers noted that working 10 hours and being off for 8 just does not agree with their body clocks. The original intention of the eight hours off was supposed to mean eight hours of sleep. The driver may eat, watch television, take a shower, etc. In reality, he may only get five hours of sleep. Some drivers noted that they toss and turn in their berths for six hours, and sleep for two. The driver is off the road, “resting” for eight hours, but certainly not sleeping for eight, confirmed the drivers.

Additional reasons why drivers may not be resting during time off are addressed Section 3.2. “Rest” for many drivers really means “working and not driving.” In other words, some of those

¹³ In May 1996, the FHWA/OMC published a report (FHWA-MC-96-0010) of a research study, “Commercial Driver Rest & Parking Requirements: Making Space for Safety,” undertaken at the request of Congress to assess the adequacy of both public and private parking places for truck drivers to stop and rest. NTIS #PB97-124705

hours might be logged as off-duty, but in reality, the driver might be waiting in line for a load, loading or unloading.



CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

Drivers, dispatchers, carrier/brokers and shippers face extremely complex challenges. The way the shipping industry operates has changed, particularly within the last twenty years. Commodities are shipped at the last minute, and those most intimately involved in shipping freight do not necessarily have the time, nor do they know how to deal with the challenges they face. All parties look for answers, attempting to associate problems with a particular event or an individual. While an individual may assume only general responsibility for a problem, he invariably implies that another part of the system is the source of contention.

As a result, many participants expressed anger and frustration at a system where they feel a lack of control. They believe they are powerless to change some of the circumstances they face. The data indicate that there are no clear-cut answers to the problems faced by the industry. One fact is clear, however—jobs should be refused if they place a driver's safety and ultimately a carrier's liability in jeopardy.

The following conclusions are organized to follow the sections of this report:

- Scheduling;
- Loading and unloading;
- Pressure points;
- Communications issues; and
- Additional findings.

Each of these sections is divided into two topic areas—problem identification and personnel involved. This format allows for a review of the problems inherent in shipping freight and the personnel who are most affected by those particular problems.

5.1 Scheduling

Problem identification

Most participants, with the exception of shippers, said that appointments, JIT deliveries, tight schedules, bad weather and equipment breakdowns, rerouting and inspections are not taken into consideration when schedules are planned, nor are schedules adjusted when such situations arise. These variables leave little room for the inevitable delays that occur. The pressure then applied to drivers can lead to safety problems and HOS violations because drivers are held responsible for meeting original deadlines despite the delays.

Scheduling appointments for pickups and deliveries is becoming standard practice. Participants concurred that a driver, who is given a specific appointment time, commonly finds that there are trucks already in line that also have the same appointment time.

- JIT deliveries and last-minute orders are commonplace. JIT delivery permits little margin for error. Thus, parties involved in the process can be forced to meet tight delivery schedules, so every point in a schedule has the potential to become a crisis.
- Schedules are very often made *before* a driver leaves to pick up or deliver a shipment, and potential delays are not taken into account when a schedule is set.
- All parties involved have differing opinions regarding where the scheduling problems begin, who is responsible and how the problems should be solved.

Personnel involved

- Responsibility for scheduling seems to be diffuse and no one party is thought to be totally responsible for setting a schedule. A driver sets his own schedule depending upon such factors as the kind of freight already on the truck, destination points and time allotment per load. According to drivers, the dispatcher sets the schedule; according to dispatchers, the carrier's sales personnel are responsible; according to carrier/brokers, the shipper and receiver are responsible for setting the schedule; and finally, according to shippers, the shipper's sales personnel set the schedule, based on receiver or customer demands.
- Dispatchers are critical to the scheduling process. Participants indicated the ideal dispatcher is someone who knows the roads, knows the drivers and knows when and how to "say no" when unrealistic jobs arise.

When talking about themselves, dispatchers concurred that while many parties—the shipper, broker, carrier's sales and traffic personnel, driver and receiver—are all partially responsible for setting a schedule, it is a dispatcher's job to determine how a schedule can be safely and efficiently implemented.

- Both independent and carrier-employed driver groups thought that some dispatchers receive percentages or bonuses for successful pickup and delivery of freight. Neither group presented concrete evidence that these assumptions were true. Despite driver statements, both carrier and dispatcher groups emphatically denied the existence of percentages or bonuses.

5.2 Loading and Unloading

Problem identification

- Loading and unloading freight can cause considerable delays because drivers can be forced to:
 - Wait for freight, product and/or proper equipment;
 - Load and unload their freight; and
 - Adhere to union requirements that dictate when freight can be loaded or unloaded.
- There are interrelated challenges associated with loading and unloading freight. With the advent of JIT delivery, less product is ready to be shipped when it is needed, said all groups. As a result, trucks are kept waiting as product is being completed. Appointments also impact how quickly freight is loaded and unloaded. Delays at the loading and unloading stage(s), can cause other delays and problems for the rest of the shipping process.

Personnel involved

- The data do not indicate how extensive driver loading/unloading problems are. However, among drivers, dispatchers and carriers, the appropriateness of drivers loading/unloading freight was a serious issue. These groups noted that a significant amount of time is spent loading/unloading freight and this responsibility takes a driver away from his primary job—driving a truck.
- While drivers and dispatchers said that drivers should not have to load and unload their freight, in some cases, drivers have no choice but to do the work. Many drivers were frustrated with this aspect of their jobs because:
 - On numerous occasions, drivers are not compensated for loading and unloading freight.
 - Drivers loading and unloading are not physically resting (though they are taking a respite from driving).
 - Lumpers, individuals hired by shippers, receivers or drivers, are often used to load and unload freight; still, drivers are not able to rest because they must watch the lumpers.
- Some drivers are confused about how to document loading time, and a lack of uniform guidelines across the industry led many participants to ask, “Should loading/unloading time be counted as rest or work?”¹⁴

¹⁴ See Section 395.2 (5) Definitions in Appendix C.

- The presence of union contracts can cause delays in the shipping process:
 - ▶ If a union warehouse has a quota of how much should be loaded and unloaded per day, a driver may have difficulty unloading after the day's quota has been met. He may be forced to come back the next day to unload his freight, thus causing additional delays.
 - ▶ Many drivers concurred that there is a lack of cooperation between union workers and non-union drivers, and union drivers get preferential treatment in loading and unloading freight.
- Unions can protect their members from loading and unloading abuses such as working long hours and handling freight during a time when they should be resting. The most positive aspect of union membership is the presence of a system that supports drivers when they are asked to perform duties that (in their minds) place them in jeopardy.

5.3 Pressure Points

Problem identification

- Economic pressures, carrier size and the type of freight being shipped can contribute to HOS violations, safety hazards and a loss of income for drivers, carrier/brokers and shippers.
- All parties involved with shipping freight constantly balance keeping a customer happy with staying safe and legal.
- All parts of the industry are perceived by the participants to be under economic pressure to produce faster and more efficiently.
- A carrier knows that there is always another carrier who can provide a cheaper and faster service than he can and that shipper loyalty can be easily swayed. Carriers and dispatchers are often placed in a position of choosing shipper needs over what they may feel is right.
- The pressure is immense to take a job and meet its scheduling requirements. Dispatchers, carriers/brokers and shipper traffic personnel feel pressured from their internal sales departments who make promises without verifying driver or equipment availability.
- Participants said that deregulation has caused rampant rate cutting; increased carrier competition; increased driver expenses; and lowered driver pay.
- Drivers are under tremendous economic pressure and young, new drivers are thought to be the most susceptible.

- Economic pressures can lead to rapid driver turnover because truck and loan payments cannot be made with the low incomes generated. The presence of new regulations and high turnover also results in fewer qualified drivers.
- Produce, automobile parts, toys, hardware, and steel cause the most delays. Each commodity has its own set of pickup and delivery characteristics, which include repalletization; appointments; waiting in line; JIT; and tight schedules. Participants noted that warehouse operations that market these items are particularly notorious for causing problems.

Drivers transporting hazardous materials and other restricted cargo are required to use restricted routes and traveling time parameters, e.g., materials can only be moved during daylight hours. Participants stated that these limitations frequently add mileage and delays to the trip.

In such situations, it is perceived that a driver can be placed in a position of either violating his HOS, completing a trip even though he is tired, and meeting a deadline, or leaving the road, resting, and being late for a delivery.

While drivers, dispatchers and carriers complained about these problems, in most cases, they fulfilled shipper and/or receiver obligations because shippers/receivers of these commodities can be powerful, controlling significant portions of a carrier's business.

Personnel involved

- All participants felt some level of pressure from another part of the industry—pressure applied from all directions.
- Dispatchers acknowledged that their jobs were challenging because they must keep customers, carriers and drivers happy, all of whom may have opposing needs. Needs must be weighed carefully. Shippers want freight moved cheaply and efficiently. Likewise, many carriers have to run their trucks more often than in the past to defray the ever-increasing costs of shipping freight, e.g., loan payments and fuel, maintenance and insurance costs. The driver's ambition is to make money—he wants to drive as many hours as the law allows. Dispatchers consider these factors against the question, “How good is this piece of business, and is it worth placing my driver and my company in potential jeopardy?”
- Participants agreed that there is a connection between carrier size and long- or short-haul operations—many larger carriers are known for hauling freight across country, while short-haul operations can be synonymous with regional, smaller carriers.
- Most participants said that larger carriers can move trucks more efficiently, quickly and cheaply than small carriers. Likewise, while larger carriers are more likely to pay low rates and “run their drivers” longer hours, they are also more prone to ensure that their drivers take the time to rest, participants agreed.

Large carriers can cut the rates and potentially dominate long-haul truck traffic. These two factors reinforce competition that can set impossible shipping criteria.

The smaller the carrier, the more pressure there is to compete for loads, most participants said.

Regardless of size, all carriers are vulnerable to violating DOT regulations. While this is true, at least half of the participants felt that the larger carriers have more visibility and violate DOT regulations more than smaller carriers.

5.4 Communications Issues

Problem identification

- All groups discussed the importance of communicating to better ensure efficient pickup and delivery of freight. Even with this acknowledgment, they note that it can be challenging to keep the lines of communication open.
- Participants' comments reveal that many of the industry's communication problems begin with pickup and delivery promises, regardless of whether the promises can be realistically fulfilled.
- While each audience has a unique role in the shipping process, all feel the burden of promises made by someone else.
- There is significant "disconnect" among parties involved in shipping freight and problems are not easily rectified.
- Keeping communication channels open and alerting appropriate parties of any delays as they occur are thought to be effective ways to deal with pressures inherent in shipping freight.
- While open communication is critical, participants also acknowledged that it may cost a carrier business. Shippers and carriers said that if a schedule cannot be met, shippers will find a carrier who can. This is where a dilemma arises—if a carrier does not want to lose the business, he will do his best to meet schedule requirements.

Personnel involved

- All participants agreed that communication between shippers and carriers is key to the successful shipment of freight. Both entities rely on each other, and shippers in particular noted that good, reliable carriers are critical to their operations.

- Better and tighter communication is critical to the effective shipment of freight, especially between:
 1. Drivers and dispatchers;
 2. Dispatchers and shippers; and
 3. Shipper and carrier sales personnel and their respective dispatchers/traffic departments.

Drivers and dispatchers

- Dispatchers must know their drivers well enough to accurately schedule pickups and deliveries.
- According to many drivers, the statement: “Get there safely, but DON’T BE LATE,” is commonly heard. This mixed message leads drivers to question what is more important, safety or time.
- Most drivers feel unprotected if they do not perform as a dispatcher asks; if carriers feel their job performance is inadequate, drivers can be forced to “sit and quit”—a powerful form of “punishment” that robs drivers of their livelihood. They said there is no entity to which complaints can be submitted when such abuses occur.

Dispatcher comments revealed that driver perceptions of being “starved out” are partially true. Drivers who complain too much and are consistently late for a pickup and delivery may not be called for prime jobs because keeping customers happy is a critical component of a dispatcher’s job.

Dispatchers and shippers

- If there is a possibility of a driver meeting schedule requirements, even if he is delayed, the dispatcher may hesitate to notify the shipper because he knows that the shipper might use another carrier if he discovers that a delay is imminent. All carriers know that the competition can easily take business away.
- Telling a shipper that a shipment is possible and then *not* following through, ultimately ends in trouble for the carrier. Even in such situations, a great deal of respect is gained by telling shippers the truth.
- Participants agreed that dispatchers should be honest, set limits and operate within the regulations. Promises should never be made unless they can be kept. A dispatcher’s ultimate goal is to keep the customer happy, but not at the expense of breaking the law or putting someone’s life in jeopardy.

Shipper and carrier sales personnel and dispatchers/traffic departments

- All carrier/broker and shipper participants represented traffic or management operations departments. Their perspective on the role of sales personnel came from a traffic/management operations perspective.
- Sales personnel's major goal is to acquire and keep business, sometimes at the expense of confirming whether a job is realistic, both time-wise and personnel-wise. This situation can place tremendous pressure on all parties, so much so that drivers feel unprotected; dispatchers feel pressured to make a choice between safety and satisfying a customer; carriers are angry at shippers because they are not planning for potential delays; and shippers are angry at receivers who appear to be ignorant of what is reasonable. While communication problems are not solely attributed to sales personnel's activities, their actions, according to the majority of participants, may contribute to the misconception and miscommunication problems.
- The industry has begun to develop and implement strategies to improve communication in the areas that yield the most tension. Sales personnel and dispatchers are being sensitized to potential repercussions of their actions by exposing them to the parts of the shipping process where they have the most impact.
- It is common for carriers to wait while a shipper's product is being completed. Waiting is due, in-part to a lack of communication between a shipper's sales and production offices. Carriers are expected to make up the time lost, regardless of the fact that the delay was caused by a shipper.
- Sales personnel set general shipping schedules and dispatchers set schedules in motion. A good salesperson is someone who will ask *if* a shipment can happen rather than *when* it can happen.

5.5 Additional Findings

Most participants expressed dissatisfaction with the level and amount of training young drivers receive from driving schools. Schools that are owned and operated by large carriers, they said, cause most of the problems. Large carriers entice potential, new drivers with a promise of paying for school and steady employment. In many cases, the two to three weeks of training they provide do not adequately prepare drivers for the challenges they will face on the road.

Participants said that new drivers may be ill-prepared to:

- Handle a large vehicle;
- Route a trip;

- Manage time on and off the road; and
- Accurately complete log books and other paper work.

Once they graduate from school, said participants, new drivers are given unrealistic schedules that they are expected to fulfill.

Many larger carriers also operate driving schools. These companies run ads saying “no experience needed” and “training will be provided.” Participants felt that this makes for an easy recruitment mechanism, as well as a way for a new, young driver to be indebted to the carrier if his tuition has been paid for by that carrier. Since the pay for a beginning driver is low, that individual may be indebted for a long time.

The level of training new drivers receive from driving schools, participants said, is inadequate. Students spend time studying books rather than spending adequate training time behind the wheel. This can be very dangerous, agreed many of the drivers.

HOS violations

All participants agreed that HOS regulations are violated and some drivers keep multiple log books in order to *appear legal*, even though this practice is *illegal*. Many participants said that drivers need to keep multiple log books out of necessity. Some drivers attribute this practice to dispatchers and carriers who force them to accept jobs, regardless of their HOS status. Some dispatchers and carriers said they may have no choice but to ask a driver to complete a job if there is no one else. Other dispatchers said that keeping multiple log books is a product of poor planning on a driver’s part.

Shippers concluded that keeping track of drivers’ HOS was not their responsibility. While this is true, shippers acknowledged the importance of hiring carriers that are reliable and trustworthy.

According to the majority of participants, dispatchers and carriers take primary responsibility for tracking drivers’ HOS. A participant from a carrier/broker group said that everyone has a quality control system in place. Some participants said that the primary responsibility for policing the industry comes from the carrier, not from DOT, and the carrier/broker participants take log book infractions seriously.

While keeping track of drivers’ HOS is taken seriously, dispatchers also acknowledged the difficulty of keeping drivers within the HOS. The pressures they are under to deliver weigh heavily against keeping drivers legal. Dispatchers are responsible for procuring a driver to move freight; and the shippers and brokers do not want to hear, nor do they care about HOS problems, confirmed the dispatchers. As a result, a participant said, drivers may not tell a dispatcher that he is out of hours.

There was a general consensus among most groups that log books are not taken seriously. Log books are also known as “liars’ logs” or “comic books,” said drivers, dispatchers and carrier/brokers. While log book abuse is an enforcement issue, drivers, dispatchers and carrier/brokers presented extensive, conflicting information about their use.

In fact, log book abuse permeates many of the topics addressed in this report—appropriate documentation of drivers' loading and unloading responsibilities; lack of communication around HOS violations; waiting time documentation; and the conflicting pressure that drivers and carriers feel in either meeting shipper demands or staying legal.

Two problems related to log books emerged across most groups:

- Drivers have difficulty tracking their hours; and
- Falsification of log books and keeping duplicate logs are common.

Many drivers said that while they are never told verbally or in writing to keep more than one log book, the schedule of shipments implies that more than one log is needed.

5.6 Recommendations

Industry Initiatives:

1. Better communication is needed among shippers, receivers, dispatchers, carrier/brokers and drivers so that the concerns of all parties can be taken into consideration when setting schedules for pickup and deliveries. Carriers must educate shippers and receivers about motor carrier needs and regulations.
2. Standard scheduling guidelines may be appropriate so that members of the industry can follow the same formula for setting schedules. Information on factors affecting schedules needs to be passed on whenever possible.
3. The advent of deregulation, JIT and use of appointments appears to have had an impact on the efficient movement of freight. The presence of these factors has had unintended and serious safety implications that should be explored further.
4. The pressure points (e.g., competition for business, type of freight, appointments, and waiting in line) in the industry must be acknowledged and workable strategies identified for coping with these realities.
5. The problems faced by drivers who are forced to load and/or unload their freight need to be acknowledged and solutions explored.
6. Evidence points to the need for greater use of standard pallet sizes throughout the industry. This would streamline the pickup and delivery process and reduce the necessity for driver repacking of loads and the resulting delays. Since standard pallet sizes now exist, this information needs to be more fully disseminated throughout the industry.

7. Alternative strategies, e.g., innovative pricing and planning initiatives that help reduce the pressure on drivers caused by impossible schedules, have been used by some motor carriers. These strategies need to be explored by others.
8. Truck driver fatigue awareness/countermeasures information and training sessions need to be made available to those involved in the scheduling and delivery of freight, particularly dispatchers who interface directly with drivers and set their schedules.

Individual Company Initiatives:

1. Communication and coordination at all levels *within* a company need to be improved in setting appropriate delivery schedules. Personnel need to meet to discuss the challenges they experience and to identify strategies that they employ, or could employ, to cope with the pressures of the industry. Carrier and shipper sales personnel should work closely with dispatchers before pickup and delivery schedules are set.
2. Shippers must educate receivers about realistic transit times.
3. Focus group participants stated that drivers are frequently reluctant to alert dispatchers when delays occur. Management should work with commercial drivers and dispatchers to facilitate better communication between them, and thus encourage rescheduling of delayed deliveries in a way that will reduce the time pressure on the driver.
4. Carriers need to work with their dispatchers to educate them about driver needs and problems. Some motor carriers require their dispatchers to ride with drivers on a recurring basis. This and other strategies could help eliminate misunderstandings and should be explored.

Government Initiatives:

Pending completion and final approval of this study, we anticipate that the FHWA will be considering recommendations like the following:

1. Explore with the Congress expanding Federal oversight of interstate shippers, receivers and others who ship freight by motor carrier.
2. Assess the need for any changes to the current treatment of driver on-duty, not driving time, pending the outcome of active studies on driver loading/unloading requirements and scheduling practices.
3. Convene a conference or symposium with representatives of the various parties involved in the shipping process to identify and assess potentially effective corrective actions that can reduce the level of driver HOS violations brought about by improper scheduling.

4. Participate in and facilitate development of training courses and outreach materials which:

- a) offer information about the HOS rules that could be provided to shipping organizations,
- b) provide awareness and understanding of fatigue and its effects on truck driver performance to shippers, carriers, and receivers.

Summary

The focus groups in this study provided an opportunity to obtain the views of people representing several important segments of the trucking industry. Their comments made clear that they share certain beliefs—for example, that deregulation has made the commercial trucking business much more competitive, and thus less rewarding financially. However, their perceptions differed sharply with respect to other issues, such as whether the primary responsibility for HOS violations lies with drivers, shippers, carriers, dispatchers or consignees. It was not surprising that each segment tended to blame others for this problem, but the strength of the feelings expressed (and the complexity of the factors involved in the shipping process) were somewhat unexpected.

Comparing viewpoints across the various groups makes it clear that competition and resentment occur not only *between* companies but also *within* companies. A lack of coordination was identified as a major cause of problems in setting appropriate delivery schedules. While improved communication among the departments and parties involved will play an important (in fact, crucial) role in making shipping safer and more efficient, this alone will not solve the kinds of problems reported. A comprehensive review of industry practices, combined with an appraisal of the strategies currently being used by the most successful firms, could provide the basis for making the more fundamental changes that may be required to maintain the viability of the industry in the long run. The extent to which the Federal government might facilitate these steps deserves further exploration and discussion.

APPENDICES

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APPENDIX A
List of Terms



List of Terms

Broker	A person or company that arranges for the truck transportation of cargo belonging to others, for a percentage of the revenue, using carriers to provide the actual truck transportation. The broker does not assume responsibility for the cargo and usually does not take possession of the shipment.
Casuals	A driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. Also known as "intermittent" or "occasional" driver.
Common carrier	Prior to January 1, 1996, a company that provided for-hire truck transportation to the general public. The services offered and the prices charged were published in a public tariff and these were the only prices the common carrier could charge.*
Consignee/ Receiver	A person or company to whom articles are shipped. Officially, the legal owner of the cargo.
Consignor/Shipper	A person or company by whom articles are shipped and who is shown on the bill of lading as the shipper.
Contract carrier	Prior to January 1, 1996, a company that engaged in for-hire transportation of property under individual contract or agreement with one or a limited number of shippers, stipulating the services offered and the prices charged to each.*
Deregulation	Revisions or complete elimination of economic regulations controlling transportation. For example, the Motor Carrier Act of 1980 and Staggers Act of 1980 revised the economic controls over motor and rail carriers.
Detention (fee)	The compensation payable to a carrier of freight whose vehicle is delayed, as by failure to load or unload the freight within the time allowed.
Dispatcher	A person who schedules the pickup and delivery of freight
For-Hire Carrier	A company that provides truck transportation of cargo belonging to others for compensation. There are two types of for-hire carriers, common carriers and contract carriers. A company may be both a common carrier and a contract carrier.*
Hazardous Materials (Hazmat)	A substance or material that the Secretary of Transportation has determined may pose an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

Hours of Service (HOS)	U.S. Department of Transportation safety regulations which govern the hours of service of commercial vehicle drivers engaged in interstate trucking operations.
Independent Driver	See owner-operator
Just in time (JIT) Delivery	Manufacturing system which depends on frequent, small deliveries of parts and supplies to keep on-site inventory to a minimum.
Less-than-truckload (LTL)	A quantity of freight less than that required for the application of a truckload rate; usually less than 10,000 pounds
LTL Carrier	Trucking company which transports and consolidates less-than-truckload cargo of several shippers on one vehicle and makes multiple deliveries.
Lumping	The loading or unloading of motor carrier freight by individuals other than the employees of motor carriers, shippers, or receivers
On-duty time	All time when a driver begins to work or is required to be ready to work until the time that driver is relieved from work and all responsibility for performing work.
Owner-operator	A driver who owns the vehicle(s) he/she operates, and may lease it to a carrier
Repalletization	The process of removing all freight from a previously stacked pallet and placing it upon another pallet because the pallet size at the receiver's unloading facility is incompatible with the pallet size on which the product has been shipped
Truckload	The quantity of freight required to fill a truck or trailer, usually more than 10,000 pounds.
Truckload Carrier	Trucking company which dedicates trailers to a single shipper's cargo.
Traffic Department	That part or office of a motor carrier whose responsibility it is to price, solicit, and/or contract for the transportation of commodities.

*The *ICC Termination Act of 1995* defines contract carriage as truck transportation provided under a contract, but, effective January 1, 1996, it no longer distinguishes between *common or contract carriers*. However, the *Act* specifically authorizes the FHWA to continue registering applicants as either common or contract carriers. The current principal distinction between the two types is that common carrier applicants must file proof of cargo insurance while contract carrier applicants are not required to do so.



APPENDIX B

References



References

- Armstrong's Guide to Third Party Logistics Providers & Dedicated Contract Carriers.*
- Beilock, R. *Schedule-Induced Hours-of-Service and Speed Limit Violations Among Tractor-Trailer Drivers.* Eisevier Science Ltd. (1995).
- Berg, T. 'How's My Driving?' May Be a Worthwhile Question. *Transport Topics.* (March 1995).
- Braver, E., Preusser, C., Preusser, D., Baum, H., Beilock, R. and Ulmer, R. *Who Violates Work Hour Rules? A Survey of Tractor-Trailer Drivers.* Insurance Institute for Highway Safety. (January 1992).
- Golob, T. and Hensher, D. *Driver Behavior of Long Distance Truck Drivers: The Effects of Schedule Compliance on Drug Use and Speeding Citations.* Institute of Transportation Studies. (May, 1994).
- Graham, S. *Tired Truckers, Wake Up!* *Traffic Safety;* (November/December, 1995).
- Hertz, R. *Hours of Service Violations Among Tractor-Trailer Drivers.* Pergamon Press Plc. (1991).
- Jones, I. and Stein, H. *Effect of Driver Hours of Service On Tractor-Trailer Driver Crash Involvement.* Insurance Institute for Highway Safety. (September, 1987).
- North American Fleet Directory.* American Trucking Association. (1996).
- Leonard's Guide National Contract Carriers Directory.* G.R. Leonard & Company. (1995).
- Leonard's Guide National Transportation Brokers Directory.* G.R. Leonard & Company, 7th Edition. (1993/1994).



APPENDIX C
Federal Motor Carrier Safety Regulations



§ 393.203 Cab and body components.

(a) The cab compartment doors or door parts used as an entrance or exit shall not be missing or broken. Doors shall not sag so that they cannot be properly opened or closed. No door shall be wired shut or otherwise secured in the closed position so that it cannot be readily opened. EXCEPTION: When the vehicle is loaded with pipe or bar stock that blocks the door and the cab has a roof exit.

(b) Bolts or brackets securing the cab or the body of the vehicle to the frame shall not be loose, broken, or missing.

(c) The hood must be securely fastened.

(d) All seats must be securely mounted.

(e) The front bumper must not be missing, loosely attached, or protruding beyond the confines of the vehicle so as to create a hazard.

§ 393.205 Wheels.

(a) Wheels and rims shall not be cracked or broken.

(b) Stud or bolt holes on the wheels shall not be elongated (out of round).

(c) Nuts or bolts shall not be missing or loose.

§ 393.207 Suspension systems.

(a) *Axles.* No axle positioning part shall be cracked, broken, loose or missing. All axles must be in proper alignment.

(b) *Adjustable axles.* Adjustable axle assemblies shall not have locking pins missing or disengaged.

(c) *Leaf springs.* No leaf spring shall be cracked, broken, or missing nor shifted out of position.

(d) *Coil springs.* No coil spring shall be cracked or broken.

(e) *Torsion bar.* No torsion bar or torsion bar suspension shall be cracked or broken.

(f) *Air suspensions.* The air pressure regulator valve shall not allow air into the suspension system until at least 55 psi is in the braking system. The vehicle shall be level (not tilting to the left or right). Air leakage shall not be greater than 3 psi in a 5-minute time period when the vehicle's air pressure gauge shows normal operating pressure.

§ 393.209 Steering wheel systems.

(a) The steering wheel shall be secured and must not have any spokes cracked through or missing.

(b) The steering wheel lash shall not exceed the following parameters:

Steering wheel diameter	Manual steering system	Power steering system
16" or less	2"+	4½"+
18"	2¼"+	4¾"+
20"	2½"+	5¼"+
22"	2¾"+	5¾"+

(c) *Steering column.* The steering column must be securely fastened.

(d) *Steering system.* Universal joints shall not be worn, faulty or repaired by welding. The steering gear box shall not have loose or missing mounting bolts or cracks in the gear box or mounting brackets. The pitman arm on the steering gear output shaft shall not be loose. Steering wheels shall turn freely through the limit of travel in both directions.

(e) *Power steering systems.* All components of the power system must be in operating condition. No parts shall be loose or broken. Belts shall not be frayed, cracked or slipping. The system shall not leak. The power steering system shall have sufficient fluid in the reservoir.

PART 394—[RESERVED]**PART 395—HOURS OF SERVICE OF DRIVERS****Sec.**

395.1 Scope of rules in this part.

395.2 Definitions.

395.3 Maximum driving time.

395.7 [Reserved]

395.8 Driver's record of duty status.

395.10—395.12 [Reserved]

395.13 Drivers declared out of service.

395.15 Automatic on-board recording devices.

AUTHORITY: 49 U.S.C. 31133, 31136, and 31502; sec. 345, Pub.L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.

SOURCE: 33 FR 19758, Dec. 25, 1968, unless otherwise noted.

§ 395.1 Scope of rules in this part.

(a) *General.* (1) The rules in this part apply to all motor carriers and drivers,

except as provided in paragraphs (b) through (n) of this section.

(2) The exceptions from Federal requirements contained in paragraphs (l) through (n) do not preempt State laws and regulations governing the safe operation of commercial motor vehicles.

(b) *Adverse driving conditions.* (1) Except as provided in paragraph (i)(2) of this section, a driver who encounters adverse driving conditions, as defined in § 395.2, and cannot, because of those conditions, safely complete the run within the 10-hour maximum driving time permitted by § 395.3(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than 2 additional hours in order to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo. However, that driver may not drive or be permitted to drive—

(i) For more than 12 hours in the aggregate following 8 consecutive hours off duty; or

(ii) After he/she has been on duty 15 hours following 8 consecutive hours off duty.

(2) *Emergency conditions.* In case of any emergency, a driver may complete his/her run without being in violation of the provisions of the regulations in this part, if such run reasonably could have been completed absent the emergency.

(c) *Driver-salesperson.* The provisions of § 395.3(b) shall not apply to any driver-salesperson whose total driving time does not exceed 40 hours in any period of 7 consecutive days.

(d) *Oilfield operations.* (1) In the instance of drivers of commercial motor vehicles used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(2) In the case of specially trained drivers of commercial motor vehicles which are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site; *provided*, that all

such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of the Federal Highway Administration.

(e) *100 air-mile radius driver.* A driver is exempt from the requirements of § 395.8 if:

(1) The driver operates within a 100 air-mile radius of the normal work reporting location;

(2) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;

(3) At least 8 consecutive hours off duty separate each 12 hours on duty;

(4) The driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and,

(5) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

(i) The time the driver reports for duty each day;

(ii) The total number of hours the driver is on duty each day;

(iii) The time the driver is released from duty each day; and

(iv) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

(f) *Retail store deliveries.* The provisions of § 395.3 (a) and (b) shall not apply with respect to drivers of commercial motor vehicles engaged solely in making local deliveries from retail stores and/or retail catalog businesses to the ultimate consumer, when driving solely within a 100-air mile radius of the driver's work-reporting location, during the period from December 10 to December 25, both inclusive, of each year.

(g) *Retention of driver's record of duty status.* Upon written request to, and with the approval of, the Regional Director of Motor Carriers for the region in which the motor carrier has its principal place of business, a motor carrier may forward and maintain the driver's records of duty status at a regional or terminal office. The addresses and jurisdictions of the Regional Director of Motor Carriers offices are shown in § 390.27 of this chapter.

(h) *Sleeper berths.* Drivers using sleeper berth equipment as defined in §395.2 or who are off duty at a natural gas or oil well location, may cumulate the required 8 consecutive hours off duty, as required by §395.3, resting in a sleeper berth in two separate periods totaling 8 hours, neither period to be less than 2 hours, or resting while off duty in other sleeping accommodations at a natural gas or oil well location.

(i) *State of Alaska.* (1) The provisions of §395.3 shall not apply to any driver who is driving a commercial motor vehicle in the State of Alaska. A driver who is driving a commercial motor vehicle in the State of Alaska must not drive or be required or permitted to drive—

(i) More than 15 hours following 8 consecutive hours off duty;

(ii) After being on duty for 20 hours or more following 8 consecutive hours off duty;

(iii) After having been on duty for 70 hours in any period of 7 consecutive days, if the motor carrier for which the driver drives does not operate every day in the week; or

(iv) After having been on duty for 80 hours in any period of 8 consecutive days, if the motor carrier for which the driver drives operates every day in the week.

(2) A driver who is driving a commercial motor vehicle in the State of Alaska and who encounters adverse driving conditions (as defined in §395.2) may drive and be permitted or required to drive a commercial motor vehicle for the period of time needed to complete the run. After he/she completes the run, that driver must be off duty for 8 consecutive hours before he/she drives again.

(j) *State of Hawaii.* The rules in §395.8 do not apply to a driver who drives a commercial motor vehicle in the State of Hawaii, if the motor carrier who employs the driver maintains and retains for a period of 6 months accurate and true records showing—

(1) The total number of hours the driver is on duty each day; and

(2) The time at which the driver reports for, and is released from, duty each day.

(k) *Travel time.* When a driver at the direction of the motor carrier is travel-

ing, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he/she shall be considered off duty for the entire period.

(l) *Agricultural operations.* The provisions of §395.3 shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

(1) Is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies, and

(2) Is conducted during the planting and harvesting seasons within such State, as determined by the State.

(m) *Ground water well drilling operations.* In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation and operations of a ground water well drilling rig, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(n) Construction materials and equipment. In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(o) *Utility service vehicles.* In the instance of a driver of a utility service vehicle, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

[57 FR 33647, July 30, 1992, as amended at 58 FR 33777, June 21, 1993; 60 FR 38748, July 28, 1995; 61 FR 14679, Apr. 3, 1996]

§395.2 Definitions

As used in this part, the following words and terms are construed to mean:

Adverse driving conditions means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known

to the person dispatching the run at the time it was begun.

Automatic on-board recording device means an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically as required by § 395.15. The device must be integrally synchronized with specific operations of the commercial motor vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date, and time of day.

Driver-salesperson means any employee who is employed solely as such by a private carrier of property by commercial motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by commercial motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he/she reports for duty, who devotes not more than 50 percent of his/her hours on duty to driving time. The term *selling goods* for purposes of this section shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

Driving time means all time spent at the driving controls of a commercial motor vehicle in operation.

Eight consecutive days means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

Ground water well drilling rig means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

Multiple stops means all stops made in any one village, town, or city may be computed as one.

On duty time means all time from the time a driver begins to work or is re-

quired to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. *On-duty time* shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) All time inspecting equipment as required by §§ 392.7 and 392.8 of this chapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All driving time as defined in the term *driving time* in this section;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth as defined by the term *sleeper berth* of this section;

(5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;

(7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by part 382 or part 391, subpart H, of this subchapter, whichever is applicable, when directed by a motor carrier;

(8) Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier; and

(9) Performing any compensated work for any nonmotor carrier entity.

Seven consecutive days means the period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

Sleeper berth means a berth conforming to the requirements of § 393.76 of this chapter.

Transportation of construction materials and equipment means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section.

Twenty-four-hour period means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

Utility service vehicle means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

[57 FR 33648, July 30, 1992, as amended at 59 FR 7515, Feb. 15, 1994; 59 FR 60324, Nov. 23, 1994; 60 FR 38748, July 28, 1995; 61 FR 14679, Apr. 3, 1996]

§ 395.3 Maximum driving time.

(a) Except as provided in §§ 395.1(b)(1), 395.1(f), and 395.1(i), no motor carrier shall permit or require any driver used

by it to drive nor shall any such driver drive:

(1) More than 10 hours following 8 consecutive hours off duty; or

(2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

(b) No motor carrier shall permit or require a driver of a commercial motor vehicle to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

[57 FR 33649, July 30, 1992, as amended at 60 FR 38748, July 28, 1995]

§ 395.7 [Reserved]

§ 395.8 Driver's record of duty status.

(a) Except for a private motor carrier of passengers (nonbusiness), every motor carrier shall require every driver used by the motor carrier to record his/her duty status for each 24 hour period using the methods prescribed in either paragraph (a)(1) or (2) of this section.

(1) Every driver who operates a commercial motor vehicle shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in paragraph (g) of this section. The grid and the requirements of paragraph (d) of this section may be combined with any company forms. The previously approved format of the Daily Log, Form MCS-59 or the Multi-day Log, MCS-139 and 139A, which meets the requirements of this section, may continue to be used.

(2) Every driver who operates a commercial motor vehicle shall record his/her duty status by using an automatic on-board recording device that meets the requirements of § 395.15 of this part. The requirements of § 395.8 shall not apply, except paragraphs (e) and (k) (1) and (2) of this section.

(b) The duty status shall be recorded as follows:

- (1) "Off duty" or "OFF."
- (2) "Sleeper berth" or "SB" (only if a sleeper berth used).
- (3) "Driving" or "D."
- (4) "On-duty not driving" or "ON."

(c) For each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty not driving and where released from work), the name of the city, town, or village, with State abbreviation, shall be recorded.

NOTE: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation, (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or (3) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

(d) The following information must be included on the form in addition to the grid:

- (1) Date;
- (2) Total miles driving today;
- (3) Truck or tractor and trailer number;
- (4) Name of carrier;
- (5) Driver's signature/certification;
- (6) 24-hour period starting time (e.g. midnight, 9:00 a.m., noon, 3:00 p.m.);
- (7) Main office address;
- (8) Remarks;
- (9) Name of co-driver;
- (10) Total hours (far right edge of grid);
- (11) Shipping document number(s), or name of shipper and commodity;

(e) Failure to complete the record of duty activities of this section or § 395.15, failure to preserve a record of such duty activities, or making of false reports in connection with such duty activities shall make the driver and/or the carrier liable to prosecution.

(f) The driver's activities shall be recorded in accordance with the following provisions:

(1) *Entries to be current.* Drivers shall keep their records of duty status current to the time shown for the last change of duty status.

(2) *Entries made by driver only.* All entries relating to driver's duty status

must be legible and in the driver's own handwriting.

(3) *Date.* The month, day and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record.

(4) *Total miles driving today.* Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record.

(5) *Commercial motor vehicle identification.* The driver shall show the number assigned by the motor carrier or State and the license number of each commercial motor vehicle operated during each 24-hour period on his/her record of duty status. The driver of an articulated (combination) commercial motor vehicle shall show the number assigned by the motor carrier or the State and the license number of each motor vehicle used in each commercial motor vehicle combination operated during that 24-hour period on his/her record of duty status.

(6) *Name of motor carrier.* The name(s) of the motor carrier(s) for which work is performed shall be shown on the form containing the driver's record of duty status. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, showing a.m. or p.m., worked for each motor carrier shall be shown after each motor carrier's name. Drivers of leased commercial motor vehicles shall show the name of the motor carrier performing the transportation.

(7) *Signature/certification.* The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(8) *Time base to be used.* (i) The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24-hour period beginning with the time specified by the motor carrier for that driver's home terminal.

(ii) The term "7 or 8 consecutive days" means the 7 or 8 consecutive 24-hour periods as designated by the carrier for the driver's home terminal.

Federal Highway Administration, DOT

§ 395.8

(iii) The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "Midnight" and "Noon" must appear above or beside the appropriate one-hour increment.

(9) *Main office address.* The motor carrier's main office address shall be shown on the form containing the driver's duty status record.

(10) *Recording days off duty.* Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.

(11) *Total hours.* The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours.

(12) *Shipping document number(s) or name of shipper and commodity* shall be shown on the driver's record of duty status.

(g) *Graph grid.* The following graph grid must be incorporated into a motor carrier recordkeeping system which must also contain the information required in paragraph (d) of this section.

[illegible][illegible]

(h) *Graph grid preparation.* The graph grid may be used horizontally or vertically and shall be completed as follows:

(1) *Off duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work.

(2) *Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off duty resting in a sleeper berth, as defined in §395.2. (If a non-sleeper berth operation, sleeper berth need not be shown on the grid.)

(3) *Driving.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of driving time, as defined in §395.2.

(4) *On duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving specified in §395.2.

(5) *Location—remarks.* The name of the city, town, or village, with State abbreviation where each change of duty status occurs shall be recorded.

NOTE: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation, (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or (3) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

(1) *Filing driver's record of duty status.* The driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.

(j) *Drivers used by more than one motor carrier.* (1) When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

(i) All duty time for the entire 24-hour period;

(ii) The name of each motor carrier served by the driver during that period; and

(iii) The beginning and finishing time, including a.m. or p.m., worked for each carrier.

(2) Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.

(k) *Retention of driver's record of duty status.* (1) Driver's records of duty status for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month. Such records shall then be forwarded to the carrier's principal place of business where they shall be retained with all supporting documents for a period of 6 months from date of receipt.

(2) The driver shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty.

NOTE: Driver's Record of Duty Status.

The graph grid, when incorporated as part of any form used by a motor carrier, must be of sufficient size to be legible.

The following executed specimen grid illustrates how a driver's duty status should be recorded for a trip from Richmond, Virginia, to Newark, New Jersey. The grid reflects the midnight to midnight 24 hour period.



APPENDIX D
Driver Screeners



SCREENER

DRIVERS

We are holding **confidential** discussions with professionals in the transportation field to find out what they think about the commercial driver hours of service issue.

My name is _____ and I would like to ask you some questions to see if you qualify to participate in one of our discussion groups with **COMMERCIAL DRIVERS**.

(NOTE: **IF RESPONDENT ASKS, THIS GROUP IS MADE UP OF ONLY DRIVERS**).

The groups will be held _____ and the discussion will last approximately two hours and is confidential. Participants will receive \$ 75 for their time.

1. Do you hold a valid Commercial Drivers License?

☐ No **Terminate**

☐ Yes **If Yes, what type:**

☐ Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds of GVWR.

Terminate if:

☐ Any single vehicle, or combination of vehicles, that does not meet the definition above, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

2. Are you currently employed:

☐ Full time How many hours per week do you work?

☐ Part time How many hours per week do you work?

Terminate if less than 20 hours

☐ Independent **NOTE: PLACE IN APPROPRIATE GROUP**

3. Who is your current employer: _____

Is your employer a:

- ☐ Private carrier **Terminate**
- ☐ Exempt carrier **Terminate**
- ☐ Contract Carrier **Recruit a mix.**
- ☐ Common Carrier **Recruit a mix.**

4. Are you an owner-operator?

- ☐ Yes **How many trucks in your fleet? _____**
Recruit 3 per group if possible.
- ☐ No

5. Do you regularly drive alone or as part of a team?

- ☐ Alone
- ☐ Team **Terminate**

6. How many miles do you drive on an average day?

- ☐ 200 miles or less **Terminate**
- ☐ 200-500 miles **Recruit 1/4**
- ☐ 500-750 miles **Recruit 1/4**
- ☐ 750+ **Recruit ½**

7. What type of vehicle do you drive?

- ☐ Straight truck
- ☐ Tractor/semi-trailer
- ☐ Double
- ☐ Triple
- ☐ Other (specific)

8. What type of freight do you typically carry most often?

- ☐ General freight
- ☐ Household goods
- ☐ Refrigerated
- ☐ Other (Please specify, terminate if people _____)

9. Are you paid: **Try to recruit a mix.**

- ☐ Salary
- ☐ By mile
- ☐ By load or percentage
- ☐ Combination _____

As I mentioned, the groups will be held on **(DAY/DATE)** at **(TIME)**. Will you be able to attend? We will send you a confirmation letter and map indicating the location and confirming the date and time of your participation. Thank you.

Name: _____

Mailing address: _____

Telephone numbers:



APPENDIX E
Driver Screener Summary



Screener Summary

Independent and Carrier-Employed Drivers Baltimore, MD

	Independent Drivers	Carrier Drivers
Number of Participants	7	8
Are you currently employed?		
Full Time	3	8
Part Time	0	0
Independent	5	0
Is your employer a:		
Private Carrier	0	0
Exempt Carrier	0	0
Contract Carrier	2	5
Common Carrier	4	4
Are you an owner-operator?		
No	0	7
Yes, how many trucks in your fleet?	7	0
1	5	0
2	2	0
Number of miles driven on an average day:		
200 miles or less	0	0
200 - 500 miles	5	7
500 - 750 miles	2	1
750+	0	0

	Independent Drivers	Carrier Drivers
What type of vehicle do you drive?		
Straight truck	0	1
Tractor/semi-trailer	7	7
Double	0	1
Triple	0	0
Other (specify)	0	1 dump
Type of freight typically carried most often:		
General freight	4	6
Household goods	0	0
Refrigerated	1	0
Other (specify)	4 Type: steel(2), flatbed, military, special commodity, produce	3 Type: agriculture, insulation, stone, rock
Are you paid:		
Salary	0	2
By mile	0	0
By load or percentage	5	3
Combination	3 How: ton/mileage	3

Screener Summary

Independent and Carrier-Employed Drivers St. Louis, MO

	Independent Drivers	Carrier Drivers
Number of Participants	5	6
Are you currently employed?		
Full Time	5	6
Part Time	0	0
Independent	5	0
Is your employer a:		
Private Carrier	0	0
Exempt Carrier	0	0
Contract Carrier	0	2
Common Carrier	1	4
Are you an owner-operator?		
No	0	6
Yes, how many trucks in your fleet?	5	0
1	3	0
2	2	0
Number of miles driven on an average day:		
200 miles or less	1	0
200 - 500 miles	2	4
500 - 750 miles	2	2
750+	0	0

	Independent Drivers	Carrier Drivers
What type of vehicle do you drive?		
Straight truck	1	0
Tractor/semi-trailer	4	5
Double	0	1
Triple	0	0
Other (specify)	0	0
Type of freight typically carried most often:		
General freight	2	2
Household goods	0	1
Refrigerated	0	0
Other (specify)	3 Type: Uncartoned office furniture, construction supplies, construction steel	3 Type: Automobile, any product dealing with beer, small cranes, heavy equipment
Are you paid:		
Salary	1	3
By mile	1	1
By load or percentage	1	0
Combination	2 How: mile & other	2 How: by mile by load, salary & miles

APPENDIX F

Moderator's Guides

Carriers/Brokers

Dispatchers

Drivers

Shippers



Moderator's Guide

Carrier/Brokers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers -- I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses -- so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

II. Participant Introductions/Warm Up

Several recent studies indicate that about three out of four truck drivers sometimes violate the hours-of-service regulations that are supposed to limit their driving time and require a certain amount of rest. There is evidence that excessive hours of driving lead to fatigue, and fatigue may be a factor in some truck crashes. We are trying to find out more about the circumstances under which these violations occur. So that everyone here is clear, this group is made up of carriers and brokers. Groups are also being done separately with drivers, shippers, and dispatchers.

- 1a. I'd like to start this group by everyone introducing themselves, using first names only, and tell me your position in your firm, the type of cargo that your company hauls, or the type of cargo your company arranges to be hauled, and the geographical regions that your company serves.
- 1b. Tell the group one reason why you believe drivers may be on the road for too many hours. Just give me a phrase or sentence that I can write up on the easel. We'll talk about each one once they are all listed.

[LIST REASONS ON FLIP CHART] THEN RATE AND DISCUSS EACH ONE

2. Are there any others to consider? [ADD]

Probe for following if not mentioned:

[ADD TO LIST AS NEEDED]

Inadequate enforcement	(no one seems to take the rules very seriously)
Tight delivery schedules	(who imposes: shippers/dispatchers/others?)
Last minute job	(who fails to arrange in timely fashion?)
Form of payment	(paying drivers by the mile or load or percentage rather than by the hour or on a salary: one study shows that less than 10% of drivers are paid by the hour or on salary)
Fear of losing work	(warnings or threats by dispatchers or others, etc. of losing work or being penalized)
Loading/unloading by driver	(who pressures drivers in having to load or unload freight, freight palletized or not, tarping)
Delays at destination	(freight receiver arrangements that cause delays, such as having to wait in line if lumpers are not used)
Personal opinions	(about hours-of-service rules)
Driver location	(drivers being far/close to home near end of run)
Unexpected/personal delays	(weather, road conditions, personal delays)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when your company bids on a job. Who is involved in the process? Who prepares the bid? Who is consulted?

2. Has your company ever turned down a job or chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, etc.)

3. Once your company has been contracted to do the work, are you provided with any additional information that may affect the delivery schedule?

(Probe: change in delivery schedule)

4. I'd like to spend some time discussing the actual schedule of pickup and delivery of a shipment. Does the shipper always set the schedule? If not, who sets it?

(Probe: carrier, brokers, consignee, receiver)

5. What's your company's process for keeping the driver to the schedule? Who is involved? Who has input?

(Probe: role of dispatcher/pay system, driver, etc.)

6. Are any specific guidelines used for keeping to the schedule? What average speeds are used? What are quality control procedures?

(Probe: Who determines routes, time factors)

(Probe: Problems in loading/unloading: lack of equipment, union drivers first, etc.)

7. How do you handle a situation when one of the parties involved (shipper/dispatcher/driver, etc.) feels that a certain schedule is unrealistic? How is the issue resolved?

(Probe: Reschedule, stick with original schedule, find another driver, etc.)

8. Has your firm ever turned down work because the schedule was unrealistic? Has anyone ever had a driver turn down work because the schedule was unrealistic? What were the consequences?

(Probe: Will firm take job anyway? Can brokers always find someone to drive? If you don't take the job, then, who will?)

9. I'd like to discuss the general pressures surrounding the delivery of a shipment. Do any parties in the industry tend to set particularly unrealistic schedules?

(Probe: kinds of drivers: owner-operators, independents; brokers, dispatchers, carriers: general freight, refrigeration, etc.)

10. Where does the pressure for rapid delivery start? Who feels it first? Then how does it trickle down?

(Probe: sales promises delivery to client, traffic must meet specs, hire carrier, assign driver, etc.)

11. In your opinion, where does most of this pressure on drivers come from?

(Probe: brokers, dispatchers, shippers, receivers, drivers themselves?)

(Probe: reasons why)

(Probe: does pressure depend on size of company - large or small carriers)

(Probe: does pressure related to certain kinds of routes - a certain distance, or certain parts of the country?)

(Probe: does pressure relate to cargo - JIT, etc.?)

12. Do certain types of drivers get pressured more than others to violate hours-of-service? What types?

(Probe: younger drivers, owner-operators, driver with regular routes?)

13. I'd now like to talk about log books. What's your general opinion of log books? Who in your firm oversees driver logbooks? Have any of your drivers been cited for violations? How does your firm feel about it when it happens? What are the consequences?

(Probe: agree/disagree with violation)

14. Drivers are sometimes required to handle freight at a time when the hours-of-service rules say the driver should be resting. Who is applying this pressure? Is this the norm or the exception?
15. Some brokers, carriers, shippers and drivers develop contracts for the regular shipment of goods. Do contracts give the driver any protection from having to work excessive hours? If so, is this kind of contract actually enforced? Why/Why not? Who is in charge of enforcement?

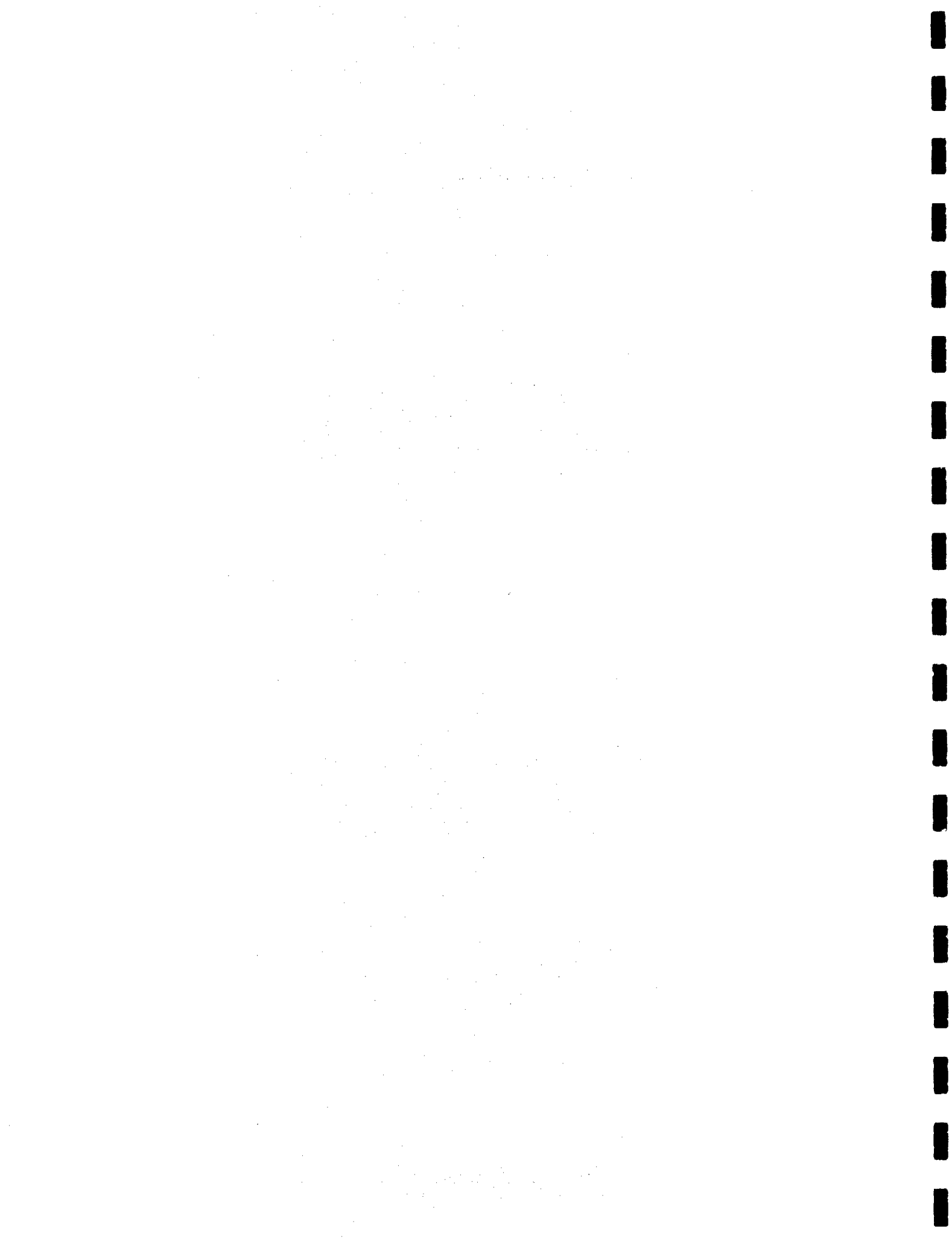
(Probe: Is the industry so competitive that drivers are always pressed to work extra hours?)
16. How much does it matter if your drivers comply with hours-of-service rules? What are the pros and cons of complying?
17. Finally, let's talk about a few of the steps that have been proposed to decrease hours-of-service violations. For each one on the list, please tell me whether you think it could make a big difference or not -- and if not, why it wouldn't work or isn't practical.
 - A. Greater enforcement and penalties for these violations (applied to drivers)
 - B. Greater enforcement and penalties for these violations (applied to brokers, shippers, carriers, who impose unrealistic schedules on drivers)
 - C. Increasing the number of rest stops that can accommodate trucks
 - D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
 - E. Increasing the rate of pay for drivers who are paid by the mile or load or percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
 - F. Finding a way to guarantee drivers that they do not have to help load or unload freight
 - G. Requiring the use of on-board devices to record driving times automatically
 - H. Changing the hours-of-service rules so that drivers get better rest
 - I. Other

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.



Moderator's Guide

Dispatchers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

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- There are no right or wrong answers -- I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses--so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

II. Participant Introductions/Warm Up

Several recent studies indicate that about three out of four truck drivers sometimes violate the hours-of-service regulations that are supposed to limit their driving time and require a certain amount of rest. There is evidence that excessive hours of driving lead to fatigue, and fatigue may be a factor in some truck crashes. We are trying to find out more about the circumstances under which these violations occur. So that everyone here is clear, this group is made up of dispatchers. Groups are also being done separately with drivers, carriers and brokers, and shippers.

- 1a. I'd like to start this group by everyone introducing themselves, using first names only, and tell me the type of company that you work for, the type of cargo that your company ships, and the geographical regions that you ship to.
- 1b. Tell the group one reason why you believe drivers may be on the road for too many hours. Just give me a phrase or sentence that I can write up on the easel. We'll talk about each one once they are all listed.

[LIST REASONS ON FLIP CHART], THEN RATE AND DISCUSS EACH ONE

2. Are there any others to consider? **[ADD]**

Probe for following if not mentioned: **[ADD TO LIST AS NEEDED]**

Inadequate enforcement	(no one seems to take the rules very seriously)
Tight delivery schedules	(who imposes: shippers/dispatchers/others?)
Last minute job	(who fails to arrange in timely fashion?)
Form of payment	(paying drivers by the mile or load or percentage rather than by the hour or on a salary: one study shows that less than 10% of drivers are paid by the hour or on salary)
Fear of losing work	(warnings or threats by dispatchers or others, etc. of losing work or being penalized)
Loading/unloading by driver	(who pressures drivers in having to load or unload freight, freight palletized or not, tarping)
Delays at destination	(freight receiver arrangements that cause delays, such as having to wait in line if lumpers are not used)
Personal opinions	(about hours-of-service rules)
Driver location	(drivers being far/close to home near end of run)
Unexpected/personal delays	(weather, road conditions, personal delays)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about the process involved in accepting a job. How many employees are involved in the process? Does the process involve more than one division? Who are the point persons involved? What are their roles? At what point do you become involved?

(Probe: sales division versus transportation division)

(Probe: sales manager versus traffic manager, dispatcher, coordinator)

2. How do you feel about the process you just described?

(Probe: process runs smooth or not: sales promises something that is not in stock, etc.)

3. Does your company have a contract in place with a specific shipper or broker or does your company respond to bids? Who prepares these bids? Are you consulted? What information is presented to you in order to respond?

(Probe: cost, delivery time, etc.)

4. Has your company ever turned down a job or a chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, equipment, etc.)

5. Once your company has contracted for shipment, do you get any additional information that might affect the delivery schedule?

(Probe: change in delivery schedule, etc.)

6. I'd like to spend some time discussing the actual schedule of pickup and delivery of a shipment. Does the shipper always set the schedule? If not, then who sets it?

(Probe: carrier, dispatcher, receiver, consignee, etc.)

7. How do you handle a situation when one of the parties involved (shipper, dispatcher, driver, etc.) feels that a certain schedule is unrealistic? How is the issue resolved?

(Probe: Reschedule, stick with original schedule)

8. Has a driver ever turned down a shipment because the schedule was unrealistic? What were the consequences?

(Probe: loss of work, blacklisted, or no problem, etc.)

9. I'd like to discuss the general pressures surrounding the delivery of a shipment. Do any parties in the industry tend to set particularly unrealistic schedules?

(Probe: kinds of drivers: owner-operators, independents; brokers, dispatchers, carriers: general freight, refrigeration, etc.)

10. Where does the pressure for rapid delivery start? Who feels it first? Then how does it trickle down?

(Probe: sales promises delivery to client, traffic must meet specs, hire carrier, assign driver, etc.)

11. In your opinion, where does most of this pressure on drivers come from?

(Probe: brokers, dispatchers, shippers, receivers, drivers themselves?)

(Probe: reasons why - dispatcher commission?)

12. How much does it matter if your company complies with hours-of-service rules? What are the pros and cons of compliance?

13. Finally, let's talk about a few of the steps that have been proposed to decrease hours-of-service violations. For each one on the list, please tell me whether you think it could make a big difference or not--and if not, why it wouldn't work or isn't practical.

- A. Greater enforcement and penalties for these violations (applied to drivers)
- B. Greater enforcement and penalties for these violations (applied to brokers, shippers carriers, who impose unrealistic schedules on drivers)
- C. Increasing the number of rest stops that can accommodate trucks
- D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
- E. Increasing the rate of pay for drivers who are paid by the mile or load percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
- F. Finding a way to guarantee drivers that they do not have to help load or unload freight
- G. Requiring the use of on-board devices to record driving times automatically.
- H. Changing the hours-of-service rules so that drivers get better rest.
- I. Others

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.



Moderator's Guide

Drivers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial driver's hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

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- 1a. I'd like to start this group by everyone introducing themselves, using first names only, and tell me what type of truck you drive and your average trip length.
- 1b. Tell the group one reason why you believe drivers may be on the road for too many hours. Just give me a phrase or sentence that I can write up on the easel. We'll talk about each one once they are all listed.

[LIST REASONS ON FLIP CHART, THEN RATE AND DISCUSS EACH ONE]

2. Are there any others to consider? **[ADD]**

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much -- and your reasons for the ratings.

Probe for following if not mentioned:

Inadequate enforcement	(no one seems to take the rules very seriously)
Tight delivery schedules	(who imposes: shippers/dispatchers?)
Last minute job	(who fails to arrange in timely fashion?)
Form of payment	(paying drivers by the mile or load or percentage rather than by the hour or on a salary: one study shows that less than 10% of drivers are paid by the hour or on salary)
Fear of losing work	(warnings or threats by dispatchers, etc. of losing work or being penalized)
Loading/unloading by driver	(who pressures drivers in having to load or unload freight, is freight palletized, is tarping involved)
Delays at destination	(freight receiver arrangements that cause delays, such as having to wait in line if lumpers are not used)
Personal opinions	(drivers' feeling that hours-of-service rules don't make sense, don't allow adequate rest)
Driver location	(drivers being far/close to home near end of run)
Unexpected or other delays	(weather, road conditions, construction, personal delays)

3. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when you are given a schedule for a delivery. Who sets the schedule?

(Probe: dispatcher, or somebody higher up)

4. **[ASK ONLY IF NOT MENTIONED EARLIER]** Have you ever been given a schedule that seems unrealistic? How do you handle it? What do you do?

(Probe: Does it become realistic if you violate speed limits or hours-of-service)

5. Have you ever wanted to turn down work because the schedule was unrealistic? Have you ever actually turned down work for this reason?

6. If you know the schedule is unrealistic, do you say anything about it? What do you do?

(Probe: turn down job/complain and to who OMC, union, others. Any formal process?)

7. Would you worry about losing work or maybe your job? Have you ever received threats or penalties? By whom?

(Probe: types of threat, penalties)

8. I'd like to discuss the general pressures surrounding the delivery of a shipment. Do any parties in the industry tend to set particularly unrealistic schedules?

(Probe: types of drivers: owner-operators, independents; brokers; dispatcher; carriers: general freight, refrigeration)

9. Where does the pressure for rapid delivery start? Who feels it first? Then how does it trickle down?

10. In your opinion, where does most of the pressure on driver comes from?

(Probe: dispatchers, shippers, receivers, or just drivers themselves)

(Probe: reasons why)

(Probe: does pressure depend on size of company - large or small carriers)

(Probe: does pressure related to certain kinds of routes - a certain distance, or certain parts of the country?)

(Probe: does pressure relate to cargo - JIT, etc.?)

11. Do certain types of drivers get pressured more than others to violate hours of service? What types?

(Probe: younger drivers, owner-operators, driver with regular routes?)

12. I'd now like to talk about log books. What's your general opinion of log books? Has anyone ever told you how to keep your log books? Who? How do you feel about it when it happens? Can you do anything about it? Do you want to?

(Probe: agree/disagree with violation)

13. How do you respond when someone requires you to handle freight at a time when the hours-of-service rules say you should be resting?
14. Some carriers, shippers and drivers develop contracts for the regular shipment of goods. Do contracts give the driver any protection from having to work excessive hours? If so, is this kind of contract actually enforced? Why/Why not?

(Probe: is the industry so competitive that drivers are always pressed to work extra hours anyway?)

15. Finally, let's talk about a few of the steps that have been proposed to decrease hours-of-service violations. For each one on the list, please tell me whether you think it could make a big difference or not--and if not, why it wouldn't work or isn't practical.

- A. Greater enforcement and penalties for these violations (applied to drivers)
- B. Greater enforcement and penalties for these violations (applied to shippers who impose unrealistic schedules on drivers)
- C. Increasing the number of rest stops that can accommodate trucks
- D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
- E. Increasing the rate of pay for drivers who are paid by the mile or load or percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
- F. Finding a way to guarantee drivers that they do not have to help load or unload freight
- G. Requiring the use of on-board devices to record driving times automatically.
- H. Changing the hours-of-service rules so that drivers get better rest.
- I. Other

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.



Moderator's Guide

Shippers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers--I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses--so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

II. Participant Introductions/Warm Up

Several recent studies indicate that about three out of four truck drivers sometimes violate the hours-of-service regulations that are supposed to limit their driving time and require a certain amount of rest. There is evidence that excessive hours of driving lead to fatigue, and fatigue may be a factor in some truck crashes. We are trying to find out more about the circumstances under which these violations occur. So that everyone here is clear, this group is made up of shippers. Groups are also being done separately with drivers, carriers and brokers, and dispatchers.

- 1a. I'd like to start this group by everyone introducing themselves, using first names only, and tell me your position in your company, the type of cargo that your company ships, and the geographical regions that your company ships to.
- 1b. Tell the group one reason why you believe drivers may be on the road for too many hours. Just give me a phrase or sentence that I can write up on the easel. We'll talk about each one once they are all listed.

[LIST REASONS ON FLIP CHART] THEN RATE AND DISCUSS EACH ONE

2. Are there any others to consider? **[ADD]**

Probe for following if not mentioned: **[ADD TO LIST AS NEEDED]**

Inadequate enforcement	(no one seems to take the rules very seriously)
Tight delivery schedules	(who imposes: shippers/dispatchers/others?)
Last minute job	(who fails to arrange in timely fashion?)
Form of payment	(paying drivers by the mile or load or percentage rather than by the hour or on a salary:one study shows that less than 10% of drivers are paid by the hour or on salary)
Fear of losing work	(warnings or threats by dispatchers or others, etc. of losing work or being penalized)
Loading/unloading by driver	(who pressures drivers in having to load or unload freight, freight palletized or not, tarping)
Delays at destination	(freight receiver arrangements that cause delays, such as having to wait in line if lumpers are not used)
Personal opinions	(about hours-of-service rules)
Driver location	(drivers being far/close to home near end of run)
Unexpected/personal delays	(weather, road conditions, personal delays)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when your company needs to arrange for goods to be shipped. How many employees are involved in the process? Does the process involve more than one division? Who are the point persons involved? What are their roles? Who sets the schedule?

(Probe: sales division versus transportation division)

(Probe: sales manager versus traffic manager, dispatcher, coordinator)

2. How do you feel about the process you have just described?

(Probe: runs smooth or not: sales promises something that is not in stock, product cannot be delivered on time, etc.)

3. I'd like to talk about specific components of the shipment process. Does your company usually contract a carrier (common or contract), broker, or independent driver?

4. Who in your company is responsible for identifying the carrier/broker/driver to deliver a shipment? Who do they contact (title - sales, etc.) on the other end?

(Probe: traffic manager contacts dispatcher, etc.)

5. Does your company have a contract in place with a specific carrier/broker/driver or does the company put each job out for bid? **IF YES:** What information is presented in the bid? How does your company determine the winning bid?

(Probe: cost, delivery time, etc.)

6. Has a carrier/broker/driver ever turned down a job or a chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, equipment, etc.)

(Probe: is there always someone who will take the job? Who?)

7. Once your company has contracted for shipment, do you provide any additional information that might affect the delivery schedule?

(Probe: change in delivery schedule)

8. I'd like to spend some time discussing the actual schedule of pickup and delivery of a shipment. Do shippers always set schedules? If not, who sets it?

(Probe: carrier, broker, driver, consignee, receiver, etc.)
9. How do you handle a situation when one of the parties involved (shipper or carrier, broker, driver, etc.) feels that a certain schedule is unrealistic? How is the issue resolved?

(Probe: Reschedule, stick with original schedule, find another carrier, etc.)
10. Has a carrier, broker, driver ever turned down a shipment because the schedule was unrealistic? What were the consequences?

(Probe: blacklisted, no problem, etc.)
11. I'd like to discuss the general pressures surrounding the delivery of a shipment. Do any parties in the industry tend to set particularly unrealistic schedules?

(Probe: kinds of drivers: owner-operators, independents; brokers, dispatchers, carriers: general freight, refrigeration, etc.)
12. Where does the pressure for rapid delivery start? Who feels it first? Then how does it trickle down?

(Probe: sales promises delivery to client, traffic must meet specs, hire carrier, assign driver, etc.)
13. In your opinion, where does most of this pressure on drivers come from?

(Probe: brokers, dispatchers, shippers, receivers, drivers themselves?)

(Probe: reasons why)

(Probe: loading/unloading delays - If a delay happens on a shippers end, is delivery still expected on time or is schedule adjusted?)
14. How much does it matter if your carrier, etc. complies with hours-of-service rules? What are the pros and cons of compliance?
15. Finally, let's talk about a few of the steps that have been proposed to decrease hours-of-service violations. For each one on the list, please tell me whether you think it could make a big difference or not--and if not, why it wouldn't work or isn't practical.

- A. Greater enforcement and penalties for these violations (applied to drivers)
- B. Greater enforcement and penalties for these violations (applied to brokers, shippers carriers, who impose unrealistic schedules on drivers)
- C. Increasing the number of rest stops that can accommodate trucks
- D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
- E. Increasing the rate of pay for drivers who are paid by the mile or load or percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
- F. Finding a way to guarantee drivers that they do not have to help load or unload freight
- G. Requiring the use of on-board devices to record driving times automatically.
- H. Changing the hours-of-service rules so that drivers get better rest.
- I. Other

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.



APPENDIX G
Participant Information Sheets

100-100-100-100

Participant Information Sheet

Carriers/Brokers

1. ___Carrier ___Broker

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

___a. Driving more than 10 hours a day.

___b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

___c. Working more than 60 hours in a 7-day period.

___d. Working more than 70 hours in an 8-day period.

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?

What is considered unrealistic?

5. Would you like to make any additional comments regarding this evening's topic?

Participant Information Sheet

Dispatchers

1. Employer: Carrier_____ Broker_____.
2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

___a. Driving more than 10 hours a day.

___b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

___c. Working more than 60 hours in a 7-day period.

___d. Working more than 70 hours in an 8-day period.
3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?
4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?

What is considered unrealistic?
5. Would you like to make any additional comments regarding this evening's topic?

Participant Information Sheet

Drivers

1. Age____ How many years have you been driving a commercial vehicle?____
2. If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?

Faster____ Extra hours____
3. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

____a. Driving more than 10 hours a day.

____b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

____c. Working more than 60 hours in a 7-day period.

____d. Working more than 70 hours in an 8-day period.
4. Who should be held responsible if a driver is ticketed for an hours-of service violation while trying to meet a delivery schedule?
5. Who should be held responsible if a driver is ticketed for an hours-of-service violation while trying to meet an unrealistic delivery schedule?

What is considered unrealistic?
6. Would you like to make any additional comments regarding this evening's topic?

Participant Information Sheet

Shippers

1. Commodity shipped _____.
2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

___a. Driving more than 10 hours a day.

___b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

___c. Working more than 60 hours in a 7-day period.

___d. Working more than 70 hours in an 8-day period.
3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?
4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an **unrealistic** delivery schedule?

What is considered unrealistic?
5. Would you like to make any additional comments regarding this evening's topic?

APPENDIX H
Participant Information Sheet Tallies



TOTAL NUMBER OF PARTICIPANTS: 11

**Participant Information Sheet Tally
Carriers/Brokers
Baltimore and St. Louis**

1. Carrier - 7 Broker - 2 Both - 2

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 1

3 - 3

2 - 2

1 - 4

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 1

3 - 2

2 - 5

1 - 2

c. Working more than 60 hours in a 7-day period.

4 - 6

3 - 1

2 - 0

1 - 1

d. Working more than 70 hours in an 8-day period.

4 - 3

3 - 3

2 - 2

1 - 2

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

Driver(3)

Both carrier & driver(3)

Carrier(2)

Shipper and carrier shared

Company/driver/shipper; who ever set the schedule and accepted the schedule

4. **Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?**

Carrier

Whoever set the schedule and accepted the responsibility of meeting the schedule;
company/driver/shipper

Shipper(2)

Driver(2)

Shipper/carrier/driver; dispatch

Dispatcher or other company official

Driver and dispatcher

Should not be an unrealistic schedule, company responsible to see that it is not
unrealistic

Hauling company/driver

What is considered unrealistic?

Circumstance or event that is unattainable within legal parameters

Excess of 10 hours/500 mile range

When the miles cannot be driven using 50 mph average and including a 7% add
on to the book miles

A schedule where the driver cannot possibly make an appointment without
drastically violating his hours

Length of haul/some JIT demands, geography - time

A 12 hour job in a 10 hour day

Anything above or beyond DOT regulations

That varies with the driver

More than 550 miles per day

5. **Would you like to make any additional comments regarding this evening's topic?**

Subject material relevant to today's transportation industry. Hope to see same
understanding of industry from the subject matter of this evening's topic.

The hours of service rules should contain flexibility to address the different
industries and port cities vs. long haul mid west trucking. The enforcement of
the DOT rules is more effective than the general public thinks it is.

We are our own worst enemy. If one trucker won't do it then there is always
another who would. This is one of the main factors for violations on both
the driver and carrier.

Enjoyed the discussions. Also helpful to me for my company.

1936 rules on HOS are way out of touch with 1996.

This topic will not begin to find answers until the finger pointing and emotional
atmosphere is reduced. No one wants to take responsibility for their own actions.

It is time for a change in the DOT hours-of-service.

If a driver has been off for 24 hours, why should hours prior to that be important?

Need to find a system to create regular sleep patterns or times for drivers.

Grocery warehouses are a crime.

Very interesting - we are all in the same boat.

TOTAL NUMBER OF PARTICIPANTS: 10

**Participant Information Sheet Tally
Dispatchers
Baltimore and St. Louis**

1. Employer: Carrier - 10 Broker - 0

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 2

3 - 0

2 - 2

1 - 5

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 2

3 - 4

2 - 2

1 - 1

c. Working more than 60 hours in a 7-day period.

4 - 3

3 - 2

2 - 0

1 - 4

d. Working more than 70 hours in an 8-day period.

4 - 2

3 - 1

2 - 4

1 - 2

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

Driver, shipper, company

Driver and carrier

Driver(6)

Depends on who initiated the order to violate hours of service

Company, if driver is pushed by management

4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?

Driver(3) - he has the responsibility to inform his supervisor he cannot make his schedule
Carrier(5)
Shipper, receiver, dispatcher, driver
Dispatcher

What is considered unrealistic?

Unloading all morning and loading all afternoon then having to drive all night
More than 55 mph for 10 hours
Any load that makes a driver perform in a way that is physically and mentally impossible to do to make delivery or shipping.
800 miles per day? Going from point A to B with no rest much less the legal hours of service. Some things just can't be done.
Hours involved, location, availability of loads
Driving 1000 miles in 10 hours
Driving 500 miles in 6 hours
Too tight of appointments
Time restraints, schedule
Within a legal time frame

5. Would you like to make any additional comments regarding this evening's topic?

Excellent.
Very informative. I think if you had a bigger selection you would have had a big mess. I think it would have helped if you would have had more truck load carriers.
Unfortunately, the transportation industry is looked upon as a stepchild, a necessary evil and I believe some of the issues that were discussed here are hush-hush - hear no evil, see no evil. If they were discussed, I believe it would improve efficiency.
Make city drivers (9 to 5) fall different than over the road drivers.
Greed can play an important factor in this.
Enjoyed discussing industry problems off the job.
If you're only interested in running a trucking business based on profit and recklessness, you're going to affect a lot of peoples lives negatively.

TOTAL NUMBER OF PARTICIPANTS: 14

**Participant Information Sheet Tally
Carrier-Employed Drivers
Baltimore and St. Louis**

1. Age: 32, 36, 38(3), 40, 42, 43, 44, 45, 46, 51, 54, 68

**How many years have you been driving a commercial vehicle?
3, 7, 14, 17, 19, 20, 22, 24, 25(3), 30, 45**

2. If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?

Faster - 4

Extra Hours - 6

Both - 1

3. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 1

3 - 1

2 - 1

1 - 2

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 1

3 - 1

2 - 3

1 - 1

c. Working more than 60 hours in a 7-day period.

4 - 0

3 - 3

2 - 2

1 - 2

d. Working more than 70 hours in an 8-day period.

4 - 4

3 - 0

2 - 1

1 - 1

4. Who should be held responsible if a driver is ticketed for an hours-of-service violation while trying to meet a delivery schedule?

Driver(3)
Company(6)
Both Driver and Company(3)
Shipper

5. Who should be held responsible if a driver is ticketed for an hours-of-Service violation while trying to meet an unrealistic delivery schedule?

Driver(4)
Company(5)
Both Driver and Company
Shipper
Dispatcher
Broker

What is considered unrealistic?

Coast to coast in 24 hours
The whole industry
400 miles in 6 hours
Not considering traffic and construction
14 hours of work in 8
750 to 800 miles in 10 hours
Time to get from point A to point B
Anytime not using a 50 mph formula, i.e. 10 hours/500 miles
Having to be there sooner than safe driving time would allow
Trying to make a 10 hour run in 7 hours
Driving more than 600 miles or over 12 hours per day
Rush delivery

6. Would you like to make any additional comments regarding this evening's topic?

Regulate all the freight industry.
Stiffer fines for company violations.
If everyone would realize the 80,000 pound truck out there could be following their family in a 2,500 pound car!
Regulations should help make things safer.
Freight needs to be regulated by the Federal Government and enforced in the entire industry.
Shipper loads and consignee unload. Seal trailers and driver not responsible for count unless seal is broken. Don't make delivery appointment until truck is actually loaded.
Truck driving has pressure but you control what you do.
Bring back regulated freight. Extend driving time to 12 hours and require a 10 hour break.
Passenger drivers should have to pass a written commercial drivers test.

TOTAL NUMBER OF PARTICIPANTS: 12

**Participant Information Sheet Tally
Independent Drivers
Baltimore and St. Louis**

1. **Age:** 28, 38, 41, 43, 44, 46, 52, 58, 61, 64, 69(2)
How many years have you been driving a commercial vehicle? 10, 14, 16, 20, 22, 25, 26, 38, 42, 46, 50(2)

2. **If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?**

Faster - 2

Extra hours - 2

Both - 1

3. **Which hours-of service violations would you say occur most often?**

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 3

3 - 3

2 - 0

1 - 2

n/a - 1

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 0

3 - 2

2 - 4

1 - 2

n/a - 1

c. Working more than 60 hours in a 7-day period.

4 - 2

3 - 2

2 - 1

1 - 1

n/a - 2

d. Working more than 70 hours in an 8-day period.

4 - 3

3 - 2

2 - 2

1 - 1

n/a - 1

4. **Who should be held responsible if a driver is ticketed for an hours-of service violation while trying to meet a delivery schedule?**

Driver(2)
Shipper
Shipper, receiver and dispatcher (2)
Company that dispatched him(2)
Company(6)

5. **Who should be held responsible if a driver is ticketed for an hours-of-service violation while trying to meet an unrealistic delivery schedule?**

Company(6)
Whoever set up the unrealistic schedule (3)
Shipper
Driver

What is considered unrealistic?

Anything that breaks the law(3)
Not given enough time for driving, rest, meal, unexpected weather, etc.
When it cannot be done safely(3)
Anytime schedule over speed limit with reasonable stops
8 hours
no way possible
anything against regulations

6. **Would you like to make any additional comments regarding this evening's topic?**

I would just like to say that the hours of service regulations need to be changed to allow you to rest when your body tells you.
Yes, we need a device in the truck that realistically shows when a driver is tired.
If companys/shippers/receivers held responsible for schedule with some government office to back up the driver and get the pay rate up so work performed equals pay received, a lot of other problems will take care of themselves.
It was a nice discussion but nobody can do anything to make it safer.
Yes and it would help to get them better.
I hope it will do some good to hear the trucking industry and the owner operators.
Excellent meeting.

TOTAL NUMBER OF PARTICIPANTS: 10

Participant Information Sheet Tally
Shippers
Baltimore and St. Louis

1. Commodity shipped:

medicines
computers, liquors
water treatment chemicals
titanium dioxide & titanium dioxide slurry
fabricated steel structures(2)
loudspeakers
steel(3)
hazardous materials
fabric
plastic parts

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 2
3 - 1
2 - 2
1 - 4

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 1
3 - 1
2 - 4
1 - 3

c. Working more than 60 hours in a 7-day period.

4 - 1
3 - 5
2 - 2
1 - 1

d. Working more than 70 hours in an 8-day period.

4 - 6

3 - 2

2 - 0

1 - 1

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

Driver(3)

The company they work for(3)

Driver, driver's company(2)

The driver and his supervisor - then back track to the owner and offeror of the shipment

The driver or company that gave the driver the run if he knew the delivery schedule was unrealistic.

4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?

Driver(3)

The company they work for

Driver, driver's company(2)

The driver and his supervisor - then back track to the owner and offeror of the shipment

The party requesting the unrealistic schedule

The driver or company needs to take the driver into consideration.

The trucking company or the consignor or the consignee, whichever is responsible.

What is considered unrealistic?

Faster than we can drive by car

From point A to point B looking at mileage, roads driven (highways with 65, highways with 55, weigh stations), time of year (holiday delays, inclement weather delays) expecting hours of delivery outside of the 10 hour drive/8 hours off regulations 60 - 70 mph average trips without some leeway for rest, breakdowns, etc.

Trying to meet the demand of delivery when physically impossible to be accomplished

Transit, which in order to be achieved, necessitates excessive speed, or continuous operation by driver beyond safe limits

Any destination transit time that is "far and away" less than what is normally accepted

To cover too many miles in a designated period of time.

Requiring delivery of materials at a distance driver cannot do without violating hours.

Delivery schedules that put drivers and general public at risk.

Since the safety rules are reasonable and applicable, any requirement that causes

breaking of rules is unrealistic.

5. Would you like to make any additional comments regarding this evening's topic?

One way to monitor driver's log could be with a central computer log that drivers can download into. The trucking company should be ultimately responsible.

Very interesting discussion!! All of us are legitimate, knowledgeable professionals in the field of transportation, however, the general business person is not overly familiar with or realistic with regulations of the road.

More enforcement needs to be directed towards making a shipper responsible for the manner in which a shipment is offered . Time constraints need to be taken into account.

It was a good discussion period. Unfortunately we didn't have any of those shippers that deal directly with independent truckers.

Pressures to violate are bilateral. Larger, more formalized organizations tend to avoid unrealistic requirements due to liability exposure.

In our situation, the hours lies on our ability to educate our buyers/salespeople on realistic transit times and their associated costs.

Perhaps give responses from other groups that were interviewed in order to understand the whole picture.

I feel most drivers try to operate within the hours-of-service rules.

The ultimate responsibility of HOS is the driver. Even though pressure can be levied by employers on drivers, the final decision can only be made by drivers.

There is a tendency, especially among owner-operators, for drivers to feel that "they are their own boss". In our system, if a driver feels great pressure, it is usually because he took it on himself.

