

# **MCSAC Task 21-1: Supply Chain and CMV Driver Recruitment and Retention Discussion Notes from July 19-20, 2021, Meeting**

## **Comments from July 28, 2021, MCSAC Driver Subcommittee Meeting** [Marked with an asterisk (\*)]

### **Introduction**

In Task 21-1, the Federal Motor Carrier Safety Administration (FMCSA) directed the Motor Carrier Safety Advisory Committee (MCSAC) to discuss the challenges associated with driver recruitment and retention for meeting the demands of the supply chain. The Agency asked MCSAC to consider available information in developing recommendations concerning government and private-sector actions that should be considered to maximize efforts to recruit and retain experienced talent.

### **Discussion on the Supply Chain and CMV Driver Recruitment and Retention**

- A.** The pandemic revealed weaknesses in the supply chain. Government and stakeholders worked together to keep the supply chain intact, with challenges.
  - \* The pandemic has shown how vital the trucking industry is; FMCSA should continue to emphasize this in its recruitment efforts.
- B.** The Secretary of Transportation held a July 2021 roundtable that included the Secretary of Labor to solicit thoughts and suggestions on supply chain and driver recruitment and retention. MCSAC expounds upon the following summary notes from the roundtable:
  - 1. Equip CMVs with advanced safety technology, specifically Automatic Emergency Brakes**
    - (a) Several stakeholders support the advanced safety technologies that FMCSA promotes.
    - (b) Several stakeholders raised concerns that drivers may become overly reliant on this technology.
    - (c) Alerts help, but technology that takes away control from the driver is concerning. If a driver needs to intervene, sometimes there may not be adequate time to do so.
    - (d) Misinformation about these technologies exists. However, research from the Insurance Institute for Highway Safety (IIHS) suggests that these technologies are safe.
    - (e) Several stakeholders reported that some drivers may mistrust the technology.
    - (f) Some drivers have apprehension about using AEB on slick roads.
    - (g) It is important to ensure accurate information on this technology is available, such as its benefits, advantages, and limitations.
    - (h) Technology takes over when the driver fails because humans make mistakes. Could lead to preventing accidents.
    - (i) Industry should take advantage of existing technologies, such as speed limiters.
    - (j) Automated manual transmissions have been accepted by drivers; many drivers have come to like them and see that they extend their longevity in the industry.
    - (k) AEBs and adaptive cruise control have improved greatly, with 50% or greater reduction in rear end accidents, reduced injuries/fatalities. Drivers must stay properly trained as the technology evolves.

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- (l) Stakeholders report that drivers are concerned that animals or other roadway obstacles will activate technologies. One committee member indicated that the technologies have advanced so this is no longer a problem.
- (m) Lane assist is a technology that should remain a priority technology to be used as it will force a vehicle to maintain its lane when the vehicle is on cruise control or if an emergency occurs.
- (n) Technology is not a panacea but has its benefits. Can be used to ensure vehicles are in good working order.
- (o) \*There should be an industry standard to provide LED lights for trucks, instead of companies forcing individual drivers to pay for them out-of-pocket; NHTSA could implement this standard.

**2. Ensure driver's vehicles are in good working order**

- (a) Drivers are ultimately responsible for ensuring that the equipment is in good repair prior to starting a trip. Drivers may be ticketed when equipment failures occur while on the road, even if they were unaware of the failure. Too much of the burden lies on the driver.
- (b) As vehicle technologies advance, it becomes more difficult to ensure that equipment is in good working order.
  - (i) Newer vehicles have pre-trip inspection technology that will pre-trip the truck, but the driver must manually inspect brakes.
  - (ii) Brake rear sensors can tell when it is time to change the brakes.
  - (iii) Vehicle inspection report – drivers fill this out. Must use technology properly.
  - (iv) Penalizing drivers for failure to confirm a vehicle is in good working order prior to a trip, in compliance with 396.11, may motivate them to comply with this requirement. Some drivers develop a habit of not verifying a vehicle has no defects for reasons such as poor weather conditions. Newer drivers, in particular, may require training on the need to perform the inspection. Anomalies are not driver's fault, but if it happens repeatedly, it may suggest that there is a problem with the preventive maintenance program.
  - (v) Drivers may be pressured to use a vehicle that is not in good repair.
  - (vi) The main reason trucks taken OOS is brakes are out of order.
  - (vii) A stakeholder recommended that the CVSA refrain from announcing when Brake Safety Week will occur. CVSA holds Brake Safety Week each year, as well as an unannounced Brake Safety Day.
  - (viii) The penalty/fine does not appear to serve as a disincentive. It may need to be increased.
- (c) Drivers are held accountable for ease of enforcement, even if driver has not done anything wrong. How may are trained on the regulations they are held responsible for following? Are drivers paid for inspection time?
- (d) Air conditioning is especially important as the country experiences high temperature extremes as a result of climate changes.

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- (e) SAFER data on vehicle maintenance helped drivers make choices concerning working for specific carriers. A member of the public noted that there needs to be more transparency on the FMCSA and CSA websites.

**3. Provide ample truck parking and rest areas in key locations**

- (a) There is a need for data on crashes caused by drivers being unable to find a parking space. Stakeholders are unable to locate this data, but it would be helpful to further investigate this issue. FMCSA will check on this offline.
- (b) Many rest stops are currently closed and there needs to be higher prioritization on keeping rest stops open and safe.
- (c) During the pandemic, many states closed all rest areas.
  - (i) There continues to be limited service hours in some areas.
  - (ii) These decisions are made by states. Some states some have restrictions on “commercial activity” in rest areas. Food trucks are not allowed in rest areas in some states. Some states are easier to work with than others.
- (d) Stakeholders discussed using closed weigh stations for additional truck parking.
  - (i) In some states, entrances are blocked, or drivers are not permitted to park.
  - (ii) Some drivers are hesitant to park at weigh stations for fear of being inspected.
- (e) Additional parking may be available by using on-ramps on some highways. Some drivers do not feel safe parking on a ramp, some would see it as better than parking on the shoulder.
  - (i) \*Open on-ramps and remove no-parking signs. Currently, some drivers park and sleep on on-ramps regardless of no-parking signs because that is safer than driving while tired. Perhaps make it mandatory for drivers to use their parking lights on on-ramps so they are easily seen.
  - (ii) \* Drivers deserve access to safe places to sleep and to hygiene-related amenities and food. In addition to doing the right thing, ensuring these conditions are met would help with driver recruitment and retention.
- (f) \* Address States like NJ that ban all overnight parking; does FMCSA have leverage to change that?
  - (i) \*FMCSA needs to be aware of these sorts of State regulations and push for accommodations to be made for professional drivers.
- (g)\*Industrial complexes should include more parking for drivers; communities should utilize old malls to provide additional parking.
  - (i) \*Truck Parking Coalition and Jason’s Law—many drivers aren’t aware of progress on this; parking is eligible for funding through these initiatives.
  - (ii) \*States now use freight formulas and surveys to identify problem and then communicate it to their communities.
  - (iii) \*Drivers can help address the parking issue (“sell it”) within their communities by attending meetings and stressing safety needs.

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- (iv)\*Drivers can pressure distribution companies in their communities to include more parking.
- (h) \*Parking is one of the main issues for drivers, no matter their role—address this issue first to see more immediate results in driver retention and safety.
  - (i) \*States should use some of the infrastructure money for cities to add parking/to help alleviate the parking issue.
  - (ii) \*Others in the supply chain (industry, communities) should help solve the parking issue.
  - (iii) \* HazMat trucks, in particular, need safer parking options.
- (i) \*Utilize technology to direct drivers to available restrooms.

**4. Improve training content**

- (a) Training is a key component of safety and retention based on feedback.
- (b) We need comprehensive driver training. Topics should include driver health, safety, and training on working in the industry from business perspective.
  - (i) \*Motor carriers should have someone in their safety department to train drivers on health and wellness to help increase life expectancy and career longevity of drivers.
- (c) \*All trainers should have uniform training criteria and the ability to adapt training styles to drivers' individual learning styles.
- (d) Drivers need training upon entering the industry and continuous training to upgrade their skills.
- (e) Training standards must be enforced.
  - (i) Some programs provide training to transportation workers who are under 21 years old. These workers are taught how to work in the trucking industry from the dock perspective, i.e., operating a forklift, load segregation, load securement, driving on ranges and on the yard, hazardous materials. Then they transition to on-the-road training after they obtain the CDLP.
  - (ii) When they turn 21, the driver candidates (apprentices) obtain the CDL and begin driving in local operations and transition to over-the-road driving when they obtain sufficient seniority to bid those positions.
- (f) Entry level driver training rulemaking was conducted by the FMCSA and a notice was recently issued to extend the implementation date for the rule. The Rule will go into effect on 2/7/2022.
  - (i) Training providers can start registering now.
  - (ii) SDLAs have failed to meet the deadlines for implementing the requirements of the Rule. SDLAs should be instructed to finalize their deliverables. The Agency is working on ensuring that there are no further delays
  - (iii) A Final rule on Entry-Level Driver Training was published in 2016. The rule does not require a specific number of training hours behind the wheel, but students must demonstrate proficiency in the required driving skills.
  - (iv) There is a perceived driver shortage.

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- (e) Stakeholders acknowledged that more training is needed but with increased training are increased costs. Students and carriers do not want to bear the additional costs.
- (v) Stakeholders reported that driving schools are experiencing a shortage of trainers, as some are going back to driving due to opportunities for increased compensation.
- (vi) Stakeholders recommended consulting with schools to find out if there is a need for revisions to trainer qualification standards. Can they conduct training without a valid medical certificate?
- (vii) There is a concern that the cost of driver training may be a barrier to some students. Some larger carriers assist with training, but smaller carriers may not be able to assist.
  - 1. Should federal/state funding be provided to support driver training?
  - 2. Can DOL help?
- (g) Gaps in safety training exist. Drivers trained in one state, may not get important training that would be relevant in another state. Expanding endorsements may resolve this issue. For example, it may be appropriate to require a “mountain driving” endorsement.
- (h) Some carriers have their own schools. These carriers may pay tuition if the driver works with them for a specified time period, e.g., 1 year.
- (i) Oftentimes, new drivers receive training, then the CDL, and gets bad job, which may have an adverse impact on driver retention.
  - i. Company-sponsored training is some of the worst (not high level), and they advertise the most, attracting more new drivers.
  - ii. The level of experience required for instructors is insufficient. Training is often limited to a student driving the truck and the instructor in the sleeper berth. This practice should be corrected.
- (j) There is a need for qualified instructors, appropriate curriculum, geographic-specific training/endorsements; and testing and screening to determine the interviewee has the necessary personality traits and soft skills to work as a commercial driver.
  - i. Joyce Brenny, for example, utilizes a training model that includes such screening and testing.
  - ii. There are tests available to address the personality screening need, but its use could deter carriers from hiring people who genuinely want to be in industry – double edged sword.
  - iii. As stakeholder suggested that it may be appropriate to encourage personality testing, especially for folks early in career, but to discourage people from pursuing a career they are interested because their personality does not fit the profile – may not be best approach to driver candidate selection.
- (k) A stakeholder suggested that it would be useful to survey recent graduates a year or so into employment to get their perspective on their training – were there areas that needed emphasis; was the training adequate; what measures could be taken to improve training?

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(l) Similarly, survey driver training school programs to obtain their insight.

**5. Establish consistent qualifications for trainers**

(a)\* Trainers should have 10 years of experience of CMV driving and be listed in a national database, along with their safety certifications.

**6. Establish anti-harassment protocols for training programs**

a) Having a harassment policy does not necessarily mean there is a protocol.

b) Not only between co-workers, but also between driver and client.

c) Soft skills program about healthy eating, finances, communication skills – 7-10-minute videos – done in around a few more months. “Expectation exchange” about setting boundaries before going on the road together.

Same-gender training policy if that is what the trainer/carrier wants. (Women in Trucking)

i. Federal mediation and conciliation agency—developed a training program on harassment, informational tool.

ii. Crisis line informed by Rape, Abuse and Incest National Network (RAINN)—must be someone without conflict of interest. DOT has one for maritime academy. Third party resource.

(iii)\* Women in Trucking is talking to RAINN about establishing an industry-specific crisis line to avoid conflict of interest. USDOT has nothing like this crisis line; it is long overdue for the trucking industry.

d) \*FMCSA should add anti-harassment training to the Federal Entry-Level Driver Training curricula requirements.

(a) Teach new entrants entering trucking to be aware of their rights and how to use reporting tools, the RAINN crisis line, the FMCSA coercion portal, Department of Labor Surface Transportation Assistance Act (Truck Driver Whistleblower) and EEOC protections.

e) \*There should be a standard recommendation or procedure for training new entrants into industry after they get their CDL—specifically for on-the-road carriers, as working in a small environment (e.g., a cabin that is like an 8-foot-box) is ripe for challenges.

**7. Utilize compensation strategies that do not incentivize speeding or working long hours**

a) Recommendation in 2014 on driver compensation developed with Michael Belzer: eliminate exemption from Fair Labor Standards Act, establish a commission to figure out safe rate, paid by hour; this should be addressed in collaboration with the Department of Labor)

b) Safety compliance and pay are connected but compensation alone may not fix the problem. Enforcement is an important, direct way to address speeding and working excessively long hours that violate regulations. (2) What is working from a best practice standpoint? Are there strategies or methods that encourage driver retention? Is this an issue that FMCSA or research groups should investigate?

i. Drivers should be provided with income expectations and work expectations. Salary is not unusual for private carriers. Drivers paid for only miles driven are forced to “eat” inefficiencies in the transportation

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system. They take the hit economically. Drivers recognize there is no value placed on their time.

- ii. Compensation affects stress levels.
- iii. There are a wide range of compensation strategies; hybridized approach of by the mile while the truck is moving and hourly rate for non-driving work. A stakeholder suggested that is systems where drivers are generally paid for all of work time, turnover rate is low.
  - 1. LTL carriers – paid by mile to hourly; turnover rate became very low.
  - 2. Some carriers use compensation packages that include benefits and consider that drivers work long weeks.
  - 3. \*Drivers are governed by the clock and should be paid by the clock.
- iv. Results in more home time.
- v. More paid vacation and more home time makes a difference with respect to driver retention.

### **8. Compensation packages with benefits and that consider long driver work weeks**

- a. \*60-80-hour work weeks are normal for trucking. This mindset must change across the Nation.

### **9. Transparency in hiring practices to ensure candidates are aware of job demands**

- a. Transparency in training
- b. New entrant drivers understand the demands of the job, pay structure, and specific job requirements. Address gap between expectations and reality.
- c. \*Create a database for drivers to look up company stats (turnover rate, safety) before drivers sign on with carriers to help drivers find jobs they enjoy.

### **10. Detention Time Compensation**

- a. Would help drivers stay—either detention time goes down, or address frustrations because of it.
- b. For industry sectors such as tank haul, not paying for detention time would cause many to leave.
- c. A stakeholder suggested that drivers get paid for detention and they do not leave because of detention.
- d. Stakeholders suggested that driver pay for detention time varies from sector to sector and can be difficult to collect.
- e. December 2014 study – a study was conducted on the effects of detention time on driver fatigue; a link to the study was provided.
- f. There was debate about the ELD mandate, specifically whether it motivates drivers to speed or is an important safety tool.
- g. \*Drivers should be paid for work performed overtime; companies should update routes and utilize driver teams and relays so drivers can return home sooner, more frequently, and are not detained without pay; collaborate with the Department of Labor).
- h. \*Focus on detention everywhere, not just at docks. There are breakdowns on the road, etc. The driver is responsible for the truck and should be paid

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for the time they spend dealing with a breakdown. Sometimes breakdowns can take 8 hours or more to resolve.

- i. \* Whether owner-operators or company drivers, trucking is the only sector that gives away work on a daily basis. A driver must often wait two hours or more before they can bill detention to the company.
- j. \* New drivers do not want to work for free. As part of reforming pay structure, compensation for detention is one place to start.

### **11. DOL/DOT and Industry Coordination**

- a. Some States have graduated licenses
- b. Any way to incentivize safe, experienced drivers is good
- c. NIOSH has conducted research on driver health issues (e.g. exhaust exposure)
- d. Increased coordination among agencies could help—quality training, qualified instructors, etc.

### **12. Route selection and trained dispatchers ensure routes, minimize down- and on-the-road time**

- a. If shipper/receiver takes too long, it does not matter what driver does.
- b. Carriers want information from DOT on delays.

### **13. Income predictability**

### **14. Multilingual outreach**

- a. A stakeholder suggested that driving school students be hired to become drivers, given certain number of hours (like in Australia and Canada)
- b. Open options to those outside the country to become commercial drivers.
  - i. Training can be provided in native language.
  - ii. A stakeholder asked if testing can be conducted in different languages. FMCSA reported that the CDL knowledge test may be conducted in different languages, but the CDL skills test must be in English.
  - iii. A stakeholder suggested that revising policies to allow driver candidates from other countries to work in the U.S for lower pay conflicts with the discussion on driver retention. An incentive for driver to remain in the industry is to provide better pay.
- c. Working conditions for drivers must be improved before opening pool up.
- d. Allowing foreign workers to receive training and work in the trucking industry encourages diversity in the industry and provides opportunities for those who do not see a path for themselves in the industry.
- e. \* Many companies take advantage of non-native English speakers by asking them to violate safety policies or perform unsafe favors. Help protect workers by providing information in multiple languages.

### **Recommendations Presently beyond the scope of FMCSA's authority**

- 1. \* Highlight companies that provide safe training environments and care about drivers, while penalizing companies that have unsafe training practices.
- 2. Ensure the following for new drivers in on-the-job training:



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- a. \*Training providers should reserve hotels for trainers and trainees to avoid uncomfortable situations. (See above suggestion)
  - b. Establish a behavioral code of conduct that is agreed upon and signed by trainer and trainee. (See above suggestion)
  - c. \*Provide all parties with help, perhaps through a non-involved party, to mediate difficult situations. (See above suggestion)
3. \*Eliminate signing bonuses. Bonuses are counter-productive because once the 3 years is up, then the driver often leaves the company.
  4. \*Incentivize reward programs to engage drivers and encourage them to stay, instead of signing bonuses.

### **Additional Comments**

- A stakeholder indicated that there is a negative image of the industry
  - Law firms actively advertise suing truck drivers
  - State laws create obstacles to entrepreneurship in the trucking industry. Oftentimes, senior drivers are interested in establishing a trucking company and restricting that opportunity deters drivers from remaining in the industry.
- Environmental factors contribute to highway safety.
- House highway bill set aside money dedicated to truck parking. Ensure legislation addresses the need for more truck parking. What stands out from FARS is where crashes take place. Rural stretches of highway are safest; non-toll roads less safe. Point out to lawmakers.
- \*Traffic around cities is pushing drivers to their HOS limits; some subcommittee members are doing night runs to avoid traffic issues.
  - \*Expand infrastructure to include relief routes for CMVs.
- \*Regulations and the perception of over-regulation contribute to the problem. When a Federal emergency declaration is in place, truckers transport supplies in record time because they do not need to abide by the restrictions.
  - \*ELDs can be frustrating; don't lump veteran drivers who have established safety records with the needs of new/less-experienced drivers.
  - \*FMCSA should review regulations to determine direct crash prevention benefit. If there is none, FMCSA should revisit whether the regulation is needed.
- \*Recommend having a School Bus-specific CDL and training curriculum.
  - \*School bus drivers do not need to know how to back into docks.
  - \*School bus drivers have to "untrain" drivers after they pass CDL test (e.g. manual says to remove unruly passengers in a safe area, but school bus drivers cannot leave 6-year-old passengers).

### **\*Additional Driver Subcommittee Comments/Recommendations**

#### **Safety**

- Dispatchers jeopardize driver safety when they provide them unsafe information.
- Loading/unloading concerns: Do new companies have regulations on providing appropriate docks for trucks to enter with their trailers? Hold companies

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accountable to making sure parked trailers are out of the way of the loading docks, etc.

- Add more billboards to FMCSA “Our Roads, Our Safety” campaign to remind public how to share the road with truckers, etc.
  - FMCSA to create a billboard with people saying “We’ve got your back; we have a department that takes care of you, looks at neglect, etc.)” to encourage drivers to make reports and to keep carriers and trainers accountable.

### **Testing**

- Driver health/medical card: USDOT physical is tougher now; drivers are looking into other careers.
  - Solutions: lessen USDOT physical guidelines; add equipment to trucks to help drivers be more physically active.
- Losing drivers to drugs (while marijuana is being legalized in many States, it remains an offense for professional drivers).
  - Align Federal laws with State laws; design new testing programs to keep drivers (who may be using marijuana on their own time) on the road.

### **Recruitment**

- Appeal to younger generations by utilizing communications via social media, etc. Focus on recruiting drivers under 30 years of age.
  - Show younger drivers how cool and skilled the industry is; drivers can share the bright side of trucking to bring people to the industry.
  - Disseminate information to the public that most trucks have automatic transmissions, so drivers know that they do not need to drive a standard transmission to drive a truck.
  - Show drivers that trucking is not geography-dependent; they can travel to perform their job, then return to their hometowns that may not offer as much opportunity.
  - FMCSA should utilize social media like other brands connect with drivers and quickly answer inquiries; correct misinformation, etc.
  - FMCSA hire trucking ambassadors to advocate for trucking on social media.
  - Utilize different modes of communication for different audiences—TikTok for younger generations; magazines and radio for older.
  - Promote “Adopt a driver” programs to provide younger kids who cannot drive yet opportunities to get involved with working at the docks, etc.
- Drivers should be proactive by attending school career days to attract students to the field.
  - Recommend that FMCSA offer ongoing training/workshops for drivers to help with connection, support, and to have accurate information that do not always receive from carriers.

### **Industry**

“Lumpers”—why is this happening in the trucking industry?

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- FMCSA needs to look at abuses suffered at docks by receivers. Drivers should not segregate items by pallet. It is a time-suck and drivers provide the service for free due to the nature of today's competition.
- An antiquated practice, lumping is a major issue for being cheated on wages; takes advantage of drivers.

### **Appendix A**

#### **Comments/Suggestions from the Driver Subcommittee Meeting Chat**

- Relays are a way to get drivers back home more frequently.
- Student fleet crash data should be more transparent and tied to recruiting and retention. This is relevant whether the trainer or the student is driving.
- Best practice(s) to improve truck driver retention:
  - Tie recruiting to a retention point that produces a qualified candidate.
  - Conduct exit interviews along with FMCSA regulations section Part 391.25 and an annual inquiry of the CDL holder for first two years.
  - Place a cap on recruiting to match qualified candidates to qualified trainers.
- Long-term Solutions:
  - Launch an investigation into the practice of debt bondage and blacklisting, especially following a report of a sexual misconduct incident. Require cameras in training tractors/cab. Training fleets should have one job: training. Not truck sales, not team driving cheap freight.
  - Prohibit lease truck schemes.
  - Truck drivers are skilled labor and should not be exempt from FLSA in 21st century; DOL should end overtime exemption for drivers.
- Ideas and opinions regarding same and mixed gender CMV training:
  - Trainers need to have the same rights and safety as trainees.
  - While this may be challenging, female trainees and trainers should have the option to choose the gender of trainer they are most comfortable with.
  - If a trainee harasses the trainer, the trainer should have the authority to remove trainee from the tractor.
  - If a trainer harasses the trainee, the trainee should have the right to change trainers immediately without retribution.
- Can we create a Best Practice for New Hire Training Guidelines Program? Carriers could then be graded based on performance and exit surveys as the new hires leave the training process. Similar to the Better Business Bureau (BBB) grading of "good" and "bad" businesses.
- Younger drivers do not want to enter an industry where autonomous trucks will make their jobs obsolete in a few years.
  - Truck-only lanes may be needed very shortly due to rise of autonomous vehicles.
  - Autonomous trucks have been running for a couple of years; they are at level 4 of 5 levels (level 5 being 100% driverless).
  - Autonomous vehicles are great for driver assist, but level 5 trucks invite mischief or outright terrorism.
- Speed limiters lead to road rage.
- Stop making roundabouts out of concrete. Instead, use paint stripes like in Europe.

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- Canada does not have rules against cannabis use. We need a test for impairment, not just for use in the last 30 days.

**Appendix B**

**Additional Comments submitted via email after Driver Subcommittee meeting**

- With the advent of autonomous CMVs, perhaps FMCSA can offer a new class of CDL driver, such as “Autonomous Commercial Vehicle Operator.”
- OTR professional truck drivers should be given a different status, maybe even its own endorsement, because it is so different in all aspects of trucking.
  - OTR training should start with trip planning (HOS, parking, fueling, detours, etc.), to illustrate the realities of being an OTR truck driver.
- “For hire” fleets do not object to paying drivers more unless they are the only ones with the increased cost. “Congress can raise all boats at once with that one change regarding the overtime exemption.”

DRAFT