CRITICAL ISSUES IN THE TRUCKING INDUSTRY – 2022

Presented to the
American Trucking Associations

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Atlanta, GA • Minneapolis, MN • New York, NY • Sacramento, CA

ATRI@trucking.org
TruckingResearch.org
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Critical Issues in the Trucking Industry – 2022

Two years after COVID-19 changed the course of the world, pandemic-induced pains continued into 2022, including global supply chain disruptions and labor shortages spurred by the Great Resignation. Then in February, Russia invaded Ukraine, generating widespread international condemnation and sanctions against Russia and sparking humanitarian and economic crises.

Here in the U.S., the confluence of these and other events has resulted in dramatic industry impacts including record-high diesel prices, severe equipment and parts shortages, skyrocketing inflation, and persistent workforce shortages, ranging from drivers to technicians to warehouse and distribution center workers. Despite an agreement brokered by the Biden Administration, the potential for a national rail strike continues, and a recent announcement from the U.S. Department of Labor on worker classification creates questions about the independent contractor model which the industry has relied on for decades as a critical component of its driver workforce.

However, the year’s headlines have not been all bad for the industry. At the end of 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (IIJA), ending years of political stalemates in investing in the nation’s transportation infrastructure. Since the enactment of the IIJA, the U.S. Department of Transportation (U.S. DOT) has advanced numerous programs, including a pilot program for 18-20-year-old truck drivers to operate in interstate commerce, and announcing its Women of Trucking Advisory Board to identify ways to increase the number of female truck drivers. Additionally, a U.S. House bill awaiting passage in late 2022 would provide nearly $800 million to transportation agencies to expand truck parking facilities. And, in September 2022, a federal judge struck down as unconstitutional a truck-only toll program in Rhode Island.

Given today’s widespread economic challenges, it is imperative that supply chain stakeholders understand the interplay of the various issues confronting the trucking industry. For the past 18 years, the trucking industry has relied on the American Transportation Research Institute’s (ATRI) Top Industry Issues analysis to prioritize the trucking industry’s most critical issues as well as to identify preferred strategies for addressing each issue. Organizations such as the American Trucking Associations (ATA) and its Federation partners in the State Trucking Associations (STA) have leveraged ATRI’s Top Industry Issues report to develop proactive industry-centric strategies and programs.

Methodology

ATRI’s 2022 Top Industry Issues (TII) analysis relies on robust data collection. A comprehensive list of issues and related counterstrategies were initially identified in collaboration with various freight stakeholder groups. ATRI then conducted a large-scale survey distribution using its own contact database (25,000+ contacts), ATRI’s regular Sirius/XM radio shows, major trucking industry trade press, and through the 50
State Trucking Associations. The 2022 survey launched September 6, 2022 and remained open for responses through October 7, 2022.

The survey asked respondents to select their top three choices from the list of 28 critical issues, and subsequently rank their top three preferred strategies that correspond to each selected issue. Write-in responses were allowed for both the top issues and the strategies.

ATRI then developed the Top 10 list using a formula that assigned weighted values to respondents’ rankings of issues facing the industry. An issue ranked by a respondent as most important received three points, while an issue ranked second received two points and an issue ranked third received one point.

The sum total of points for each issue generated the prioritized list of top industry concerns; for example, the number one issue was the one receiving the highest number of points. Additionally, the analysis utilized an Industry Concern Index (ICI) to illustrate the relative level of concern from one issue to the next. The top-ranked issue received an ICI of 100 against which all other issues were indexed. For example, an issue with an ICI of 50 has half the level of concern as the top issue.

Each respondent could rank three pre-identified strategies that address each of their top three issues. The strategies were identified using the same process as that used to identify leading issues and based on their potential to impact or mitigate each industry challenge. The percentage of respondents selecting each strategy as their number one choice generated the strategy ranking.

Over 4,200 industry stakeholders across North America weighed in with their opinions on the most important issues affecting the trucking industry and the broader supply chain. This year’s response rate was the highest on record for the Top Industry Issues Survey.

The respondents represented professional truck drivers (47.2%), motor carrier executives and personnel (38.8%), and other industry stakeholders (14%), including industry suppliers, driver trainers, and law enforcement. In addition to providing an overall ranking, this report includes separate Top 10 lists for both commercial driver and motor carrier respondents. It also includes a breakout of the top three concerns by company drivers and owner-operators / independent contractors.

This report presents the findings of the 2022 annual survey and analysis, and it compares the findings of previous years’ results (Table 4) – providing insight into both the ongoing and emerging priorities of the trucking industry.
The Top 10 Trucking Industry Issues

Across all respondents, **Fuel Prices** was selected as the top industry concern in 2022. After spending five years as the number one concern, the **Driver Shortage** dropped one position in 2022 to rank second overall. The lack of available **Truck Parking** rose one spot this year to the third-ranked issue, followed by **Driver Compensation**. The state of the nation’s **Economy** rounded out the top five concerns (Figure 1).

This year’s list had a new entry to the top ten concerns, **Speed Limiters**, ranking ninth overall. Earlier this year, the Federal Motor Carrier Safety Administration (FMCSA) released its Notice of Intent to commence with a speed limiter rulemaking in 2023.

**Figure 1: Distribution of Industry Issue Prioritization Scores**

*The bars reflect total points from first, second and third place rankings. Issues that generate more second and third place rankings may appear to have a higher ranking than preceding issues.*
1. Fuel Prices

<table>
<thead>
<tr>
<th>Rank</th>
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<td>100</td>
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<td>2nd</td>
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<tr>
<td>Total</td>
<td>27.5%</td>
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Fuel Prices moved ahead of the Driver Shortage to become the number one trucking industry concern in this year’s survey. The last time fuel costs made the top 10 list was in 2013 when it ranked eighth overall, but record-high diesel prices this year left fleets of all sizes scrambling to identify ways to cut costs.¹ ATRI’s 2022 Operational Costs of Trucking found year-over-year increases in the fuel cost per mile of over 35 percent, with fleets operating in the west experiencing the highest fuel costs per mile at $0.431.²

High diesel prices are especially challenging for owner-operators, many of whom operate in the spot market where there is less ability to negotiate fuel surcharges to cover the price volatility.³ This is now the second year in a row that owner-operator respondents to the survey have ranked fuel prices as their number one concern (Table 3).

Proposed Strategies (in rank order):

a) Advocate for federal actions that help stabilize the supply of fuel and minimize price volatility. A slight majority of respondents (54.7%) believe the best approach for addressing high fuel prices is to stabilize the nation’s fuel supply through federal action, whether that be expanding refining capacity, increasing domestic drilling, or continuing to tap the Strategic Petroleum Reserve – although critics challenge the effectiveness of this last strategy.⁴ A more problematic approach could be state efforts to create a “fuel tax holiday,” which may generate a short-term price reduction, but at the expense of road and bridge construction.

b) Research potential factors that may be affecting fuel availability and pricing volatility. While the war in Ukraine has clearly led to marketplace chaos and subsequent pricing volatility,⁵ 23.2 percent of respondents believe that more research is needed to fully understand the interplay of factors affecting the nation’s fuel supply. One area of focus might be the role that the XL pipeline cancellation and the decree against federal drilling leases has had on petroleum prices.

c) Promote financial incentives for alternative and renewable fuels to support growth and reduce costs during development and market expansion. Fewer than 10 percent of respondents (6.8%) believe the best approach for addressing high fuel costs is expansion of other fuel sources including alternative and renewable fuels. However, the market for alternatively fueled vehicles in the trucking industry remains limited. Only seven percent of respondents in ATRI’s 2022 Operational Costs of Trucking analysis used some form of alternative fuel, primarily in local and regional delivery operations.6

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2. Driver Shortage

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<th>Ranked 2&lt;sup&gt;nd&lt;/sup&gt;</th>
<th>Ranked 3&lt;sup&gt;rd&lt;/sup&gt;</th>
<th>Total Share</th>
<th>Industry Concern Index</th>
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<td>6.2%</td>
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<td>21.4%</td>
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After reigning as the top industry concern for five years in a row, the Driver Shortage dropped one position this year to the second-highest concern. According to the American Trucking Associations, the industry’s current shortage of over 80,000 truck drivers could grow to over 160,000 by 2030. There are a number of underlying factors contributing to the Driver Shortage, including a retiring driver workforce, the challenging lifestyle, and regulatory pressures leading some drivers to leave the industry. Industry stakeholders believe there are multiple ways to reduce the shortage including lowering the legal driving age to 18, improving the driving lifestyle – by expanding truck parking and reducing detention at customer facilities – and recruiting more women to the profession.

Proposed Strategies (in rank order):

a) **Support outreach initiatives targeting high school students and young adults.** Data from the U.S. Census Bureau shows that 30.3 percent of the industry’s driver workforce is over 55 years of age. Faced with this aging workforce and the accompanying pace of driver retirements, 39.1 percent of respondents believe the industry’s best strategy for reducing the driver shortage is to focus recruitment efforts on younger adults. ATRI recently published *Integrating Younger Adults into Trucking Careers*, which included interviews with younger drivers on why they chose trucking and what they sought from trucking to stay in the industry. The research found that, while Millennial and Gen Z drivers are partially motivated by pay, the majority of them consider other factors equal to or even more important when it comes to joining or remaining with a motor carrier, and that 84 percent of younger drivers consider company culture important.

b) **Work with industry insurers to identify ways to expand coverage for younger drivers as part of the Safe Driver Apprenticeship Program.** The Drive Safe Act, signed into law as part of the IIJA in November 2021, includes a new national pilot test allowing up to 3,000 18- to 20-year-olds to operate in interstate freight commerce. However, many motor carriers have indicated that they will not participate in the FMCSA Safe Driver Apprenticeship Program (SDAP) due to onboard technology requirements and/or the cost of insuring younger drivers. ATRI research found that 50 percent of small fleets and 30 percent of large fleets cited insurance costs as a significant barrier to participating in the SDAP. As such, 24.6 percent of respondents believe that

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10 Ibid.
identifying ways to overcome the insurance hurdles would provide an avenue for more fleets to participate and therefore open the door for more younger drivers.

c) **Advocate for regulatory changes to allow a state to administer a driving skills test to any out-of-state Commercial Driver’s License (CDL) applicant, regardless of where the applicant received driver training.** One key focus area of the Biden-Harris Administration Trucking Action Plan is to “take steps to reduce barriers to drivers getting CDLs,” including FMCSA providing over $30 million to help state licensing agencies expedite CDL issuance.11 One way to expedite CDL issuance is to allow states to administer a driving skills test to out-of-state CDL applicants, regardless of where they received their driver training – an approach that 23.3 percent of respondents chose as their top strategy for addressing the Driver Shortage.

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3. Truck Parking

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<td>8.6%</td>
<td>7.6%</td>
<td>10.0%</td>
<td>25.1%</td>
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The lack of available Truck Parking has been a perennial top-five issue in the annual survey since 2015, this year ranking third overall and, for the third year in a row, ranking as the top concern for truck drivers (Table 2). The lack of available parking has been tied to driver recruitment and retention issues as well as efforts to attract more women to the profession.\(^\text{12}\) The truck parking issue is now gaining traction with federal leaders, including a recent announcement from the U.S. Department of Transportation awarding nearly $40 million in grants to Florida and Tennessee to expand truck parking capacity.\(^\text{13}\)

Proposed Strategies (in rank order):

a) *Encourage local and regional governments to reduce the regulatory burdens limiting the construction and expansion of truck parking facilities.* The Federal Highway Administration (FHWA) 2019 Jason’s Law survey identified approximately 313,000 truck parking spaces available nationally,\(^\text{14}\) which ATA and the Owner-Operator Independent Driver Association (OOIDA) equate to just one truck parking space for every 11 drivers.\(^\text{15}\) The problem is particularly challenging in and around metropolitan areas where population densities create increased consumer demand for truck freight. However in a growing number of these areas, political pressure on local government – from residents who want the goods delivered by truck but do not want to provide parking for truckers – makes it more challenging to ease the regulatory burdens limiting construction of additional parking.\(^\text{16}\) A total of 38.1 percent of respondents believe that addressing the truck parking issue at the local and regional level is the best strategy.

b) *Create a new dedicated federal funding program designed to increase truck parking capacity at freight-critical locations.* More than 35 percent of respondents believe that dedicated federal funding for truck parking is the best solution for addressing this perennial industry challenge. While not a dedicated source of funding, thanks to increased funding from the IIJA and a heightened focus on resolving supply chain

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issues, the U.S. DOT recently awarded competitive grants as part of the Infrastructure for Rebuilding America program to expand truck parking capacity in two states.\textsuperscript{17}

c) Research the relationship between truck parking availability and highway safety. It is widely recognized that the lack of available truck parking creates safety issues for truck drivers who often have to drive fatigued until they can find available parking or choose to park in undesignated parking, such as a highway shoulder or ramp.\textsuperscript{18} Quantifying this safety relationship through research is the preferred strategy of 10.8 percent of respondents.

\textsuperscript{17} U.S. Department of Transportation, “Biden-Harris Administration Announces $1.5 Billion from the Bipartisan Infrastructure Law for 26 Transportation Projects Nationwide” (September 15, 2022), 

4. Driver Compensation

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<th>Ranked 3rd</th>
<th>Total Share</th>
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<tr>
<td>9.4%</td>
<td>5.5%</td>
<td>4.9%</td>
<td>19.2%</td>
<td>71.0</td>
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Since first appearing on the Top 10 list in 2019 as the third ranked issue, Driver Compensation has remained in the top five, this year as the fourth highest industry concern. Driven by post-pandemic freight demand and the growing driver shortage, fleets have increasingly turned to pay increases as a way to recruit and retain the best drivers. Data from ATRI’s 2022 Operational Costs of Trucking research showed that driver wages increased 9.8 percent over the previous year, with the driver wage figure ($0.809 per mile) achieving a record-high since the Operational Costs research first launched in 2008.19 While compensation is not the only factor truck drivers consider when looking to join the industry or change employers, it does remain an important consideration for drivers. Separate ATRI research found that compensation was a top motivating factor, with 83.1 percent of company drivers and 90.4 percent of owner-operators / independent contractors listing income as an important / very important motivating factor for why they chose a career in trucking.20

Proposed Strategies (in rank order):

a) Analyze truck driver compensation in relation to other competing employment sectors (e.g. construction). According to data from the Bureau of Labor Statistics, in April 2020 there were 4.9 unemployed persons for every job opening. As of August of this year, that number was down to 0.6.21 Competition for workers is fierce, and particularly in trucking where growth in e-commerce has created an unprecedented number of jobs for local and regional drivers, creating additional competition for over-the-road truck drivers. Additionally, trucking fleets often compete with other vocational industries, such as construction, that may offer similar or better pay models, along with providing the opportunity to be home every night. Understanding how driver pay stands up against competing industries is the preferred strategy of 36.6 percent of respondents.

b) Quantify the relationship between driver compensation models and driver satisfaction and productivity. In addition to raising pay, the industry is exploring new and expanded compensation models to attract and retain drivers.22 ATRI’s study on owner-operators in the supply chain found that among company drivers, pay by the mile and by the hour were the most frequently deployed pay models, while among owner-operators it was

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percent of freight bill or per load. Better understanding the relationship between these varied pay models and driver satisfaction is the preferred strategy of 25.9 percent of respondents. Most recently, an arm of the National Academies commenced research to assess the relationship between different driver compensation models and trucking safety, a study required in the IIJA.24

c) Research and assess the effectiveness of carrier retention programs that financially incentivize drivers for performance in the areas of safety, fuel economy, and trip productivity. Given the tight labor market, fleets are increasingly turning to additional financial incentives to attract and retain drivers. ATRI’s annual Operational Costs of Trucking tracks these financial incentives, and in the 2022 report, participating fleets reported average annual driver safety bonuses of $1,943 and retention bonuses of $1,055, both up more than 56 percent from four years prior.25 Studying the efficacy of various bonuses for rewarding and retaining drivers is the recommended strategy of 22.9 percent of respondents.

5. Economy

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<td>6.9%</td>
<td>6.1%</td>
<td>6.3%</td>
<td>18.6%</td>
<td>62.9</td>
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In 2008, in the midst of the Great Recession, Fuel Costs and the Economy were the top two industry concerns. The Economy continued as the number one concern for three more years, after which it started to drop in ranking and eventually fell out of the top 10 in 2017. This year, with skyrocketing inflation, equipment and parts shortages, record-high diesel prices, and continued wage pressures, the Economy is back as the fifth ranked industry concern. After peaking at 9.1 percent in June, inflation is down slightly to 8.2 percent as of September,\textsuperscript{26} but concerns about a global recession persist.\textsuperscript{27}

Proposed Strategies (in rank order):

a) \textit{Promote reforming / repealing ineffective and burdensome regulations that add to industry costs without providing benefits.} A majority (58\%) of respondents believe that the best strategy for mitigating the impacts of the Economy is to reduce the regulatory burden on the industry. As an example, the California Air Resources Board (CARB) Advanced Clean Truck rule requires medium- and heavy-duty vehicle manufacturers to sell zero-emission trucks (ZET) as a portion of total sales within California, including 40 percent of tractor-trailers. However, recent research has shown that ZET only reduce lifecycle CO\textsubscript{2} emissions by 30 percent over diesel engines, while costing more than $400,000 per truck.\textsuperscript{28}

b) \textit{Advocate for legislation to establish an office within the U.S. Department of Commerce to protect the supply chains of industries crucial to the U.S. economy and national security.} While the new IIJA does create a new U.S. DOT Secretary-level freight office, it is not clear how that office relates to the Department of Commerce’s own Supply Chain Competitiveness Council nor the new FLOW Supply Chain program of the Bureau of Transportation Statistics. A total of 16.9 percent of respondents believe that the best approach for addressing the nation’s economic woes is to involve federal leadership in supporting the supply chains of critical industries like trucking.

c) \textit{Identify the geo-political and economic vulnerabilities of international supply chains involved in truck parts and equipment manufacturing.} The ongoing supply chain crisis is both complex and persistent. COVID-related impacts to Chinese manufacturing are partially to blame, while port container pricing and truck driver shortages have also played a role. Ensuring the availability of parts and equipment by better understanding

\textsuperscript{28} Jeff Short and Danielle Crownover, \textit{Understanding the CO2 Impacts of Zero-Emission Trucks}, American Transportation Research Institute (May 2022), https://truckingresearch.org/2022/05/03/understanding-the-co2-impacts-of-zero-emission-trucks/.
international supply chain issues and vulnerabilities is the preferred strategy of 12.6 percent of respondents.
6. Detention / Delay at Customer Facilities

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<tr>
<th>Ranked 1st</th>
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<td>5.7%</td>
<td>5.9%</td>
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<td>15.6%</td>
<td>53.8</td>
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Now in its fourth year as a Top 10 industry concern, Detention / Delay at Customer Facilities is up one spot to be the sixth ranked concern overall. Like many of the issues on the Top 10 list, Detention / Delay intersects with many other issues. It is challenging to recruit and retain truck drivers when they know that detention will reduce their pay due to lost hours spent waiting at customer facilities. Often truck drivers do not have access to important amenities like drinking water or restrooms. They may expect safe parking at the customer’s facility due to the delay, only to be told to leave and look for parking elsewhere. It is not surprising, then, that Detention / Delay at Customer Facilities consistently ranks as a top concern among drivers (Tables 2 and 3).

Proposed Strategies (in rank order):

a) **Identify best practices, technologies, and strategies that reduce or eliminate driver detention at shipper / receiver facilities.** ATRI’s 2019 detention study identified factors that drivers and motor carriers believe lead to excessive detention, including dock employee issues, product readiness, lack of dock space, overbooking, and lack of technology solutions, among others. A slight majority (50.3%) of respondents believe that the best solution for reducing detention is to identify, synthesize and promote the best practices and mitigating strategies that address top detention causes.

b) **Support research to examine detention impacts on industry safety and productivity.** A 2018 report from the U.S. DOT Office of Inspector General (OIG) found that a 15-minute increase in average dwell time increased expected average crash rates by 6.2 percent. Given the data limitations acknowledged in the OIG report, FMCSA is now undertaking a new study on detention impacts (funded through the IIJA) that it believes will be better informed than previous analyses given the data now available from Electronic Logging Devices (ELDs). 19.5 percent of respondents believe this is the best strategy for addressing detention.

c) **Quantify the value of “Shipper of Choice” designations for incentivizing shippers and receivers to reduce detention times.** Given how impactful detention delays are to truck drivers, many have started using crowd-sourced apps to rate their treatment at

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31 Ibid.


customer facilities, including detention time and access to restrooms.\textsuperscript{34} Quantifying how these ratings are affecting change among shippers is the preferred strategy for 18.6 percent of respondents.

\textsuperscript{34} Cristina Commendatore, “Trucking must put an end to driver stereotypes,” \textit{Fleet Owner} (April 21, 2022), https://www.fleetowner.com/perspectives/from-my-lane/blog/21239570/trucking-must-work-to-end-driver-stereotypes.
7. Driver Retention

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<td>4.7%</td>
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<td>3.9%</td>
<td>14.2%</td>
<td>48.6</td>
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Driver Retention is the seventh ranked issue this year, dropping from a second place ranking in 2021. Many in the industry believe that the Driver Shortage, Driver Compensation and Driver Retention are all inextricably linked and therefore challenging to separate into individual rankings. However, the ATRI Top Industry Issues Survey keeps these as three separate issues because the strategies for addressing each are distinct. In ATRI’s 2022 *Operational Costs of Trucking* research, while average annual starting bonuses were up 26 percent over four years, retention bonuses were up 57 percent over the same time period, showing fleets’ increased focus on retaining their best drivers.35

**Proposed Strategies (in rank order):**

a) *Research and prioritize retention strategies, based on driver feedback and driver tenure data.* Trucking fleets are increasingly relying on driver feedback services that allow truck drivers to provide anonymous input on their concerns, thus giving fleets the opportunity to address them and improve retention.36 A plurality of respondents (46.6%) believes that research based on this type of feedback is the best approach for reducing driver turnover.

b) *Evaluate the impact of truck driver benefits, including health insurance and retirement benefits, on driver retention.* ATRI’s 2022 *Operational Costs of Trucking* analysis found that 80 percent or more of participating motor carriers provided a suite of benefits to their drivers including health insurance (93%), paid vacation (87%), dental insurance (84%), and 401k (82%). In addition, the percentage of fleets providing health and dental insurance and 401k increased in this year’s analysis, corroborating that fleets believe this is an important component in retaining drivers.37 Understanding the impact of these benefit offerings on retention was the preferred strategy of 31.4 percent of respondents.

c) *Quantify the relationship between safety technology deployment (e.g. cameras, speed limiters, active braking systems) and driver satisfaction and retention.* FMCSA’s “Tech-Celerate Now” program was designed to encourage the deployment of advanced safety systems, while recognizing that driver acceptance of these technologies is critical

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to successful deployment.\textsuperscript{38} A recent ATRI survey of over 2,100 drivers identified driver concerns with driver-facing cameras (DFC), although there were higher rates of acceptance among drivers who were already using DFC. That survey is part of a larger (DFC) study by ATRI that is expected to be released in late 2022. Slightly less than 12 percent of respondents believe the best approach for improving driver retention is to quantify the relationship between safety technology deployment and driver satisfaction.

8. Compliance, Safety, Accountability (CSA)

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<th>Ranked 1&lt;sup&gt;st&lt;/sup&gt;</th>
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<tr>
<td>6.0%</td>
<td>3.6%</td>
<td>3.4%</td>
<td>12.5%</td>
<td>45.8</td>
</tr>
</tbody>
</table>

Compliance, Safety, Accountability – FMCSA’s safety measurement system – continues as a perennial Top 10 concern, this year ranking eighth overall. Signed into law in December 2015, the Fixing America’s Surface Transportation Act included a requirement for a National Academies’ review of CSA. The subsequent report was issued June 2017 and included a number of recommendations for improving CSA scoring to better reflect a carrier’s risk profile. However, five years later, FMCSA has yet to implement the recommended Item Response Theory (IRT) approach and carrier frustration with how their safety performance is evaluated by CSA persists.

**Proposed Strategies (in rank order):**

a) *Work with FMCSA to update its carrier prioritization methodology, improve its accuracy, and enhance transparency in CSA.* The continued delays in implementing the National Academies’ study recommendations have frustrated motor carriers and drivers alike. However, FMCSA now has a Senate Confirmed Administrator for the first time in three years, and this may provide an opportunity for the industry to work with FMCSA to update its carrier prioritization methodology – using IRT or some other method – a strategy preferred by 40.3 percent of respondents.

b) *Advocate for FMCSA to regularly review and evaluate the list of crash types available for reclassification as non-preventable.* FMCSA’s Crash Preventability Determination Program allows for review of 16 specific crash types through a Request for Data Review (RDR) submitted through the DataQs system, including wrong-way drivers, animal strikes, and being hit when legally parked or stopped. A total of 29.0 percent of respondents believe that the best strategy for improving CSA is for the agency to regularly review and evaluate the list of crash types eligible for review.

c) *Encourage FMCSA to improve internal processes for reviewing RDRs to improve turnaround time for RDRs related to the Crash Preventability Determination Program.* There continues to be frustration among motor carriers with the time it takes for overall DataQs reviews, and as such, 14.5 percent of respondents believe that the shortening that lag time for reviews of crash preventability determination is the best approach for improving CSA.

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9. Speed Limiters

<table>
<thead>
<tr>
<th>Ranked 1\textsuperscript{st}</th>
<th>Ranked 2\textsuperscript{nd}</th>
<th>Ranked 3\textsuperscript{rd}</th>
<th>Total Share</th>
<th>Industry Concern Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3%</td>
<td>4.8%</td>
<td>5.3%</td>
<td>12.8%</td>
<td>39.3</td>
</tr>
</tbody>
</table>

Earlier this year, FMCSA issued a Notice of Intent (NOI) to move forward with a speed limiter rulemaking in 2023. This NOI ultimately generated over 14,500 comments to the Federal Register notice,\textsuperscript{43} and led to Speed Limiters ranking in the Top 10 list of industry concerns for the first time in the survey’s history. Speed Limiters have been an issue on the drivers’ list of top concerns for several years now and in this year’s survey, drivers ranked Speed Limiters as their fifth overall top concern (Table 2), with more than one out of every five driver respondents ranking Speed Limiters as a top concern.

**Proposed Strategies (in rank order):**

a) *Quantify the impact of car-truck speed differentials on industry safety and productivity.* A plurality of respondents (40.8%) believes that understanding the impact of car-truck speed differentials is a critical strategy in addressing a potential speed limiter rulemaking. Joint research by ATRI and a University of Arkansas professor documented that speed differentials can increase vehicle interactions and lead to greater potential for crashes.\textsuperscript{44} Comments to the NOI highlight the fact that speed differentials continue to be a big concern for motor carriers and drivers, and that the lack of current research on speed differential impacts is a major roadblock in implementing any future rulemaking.\textsuperscript{45}

b) *Ensure that any future rulemaking on speed limiters is based on real-world data inputs from industry operations.* The last speed limiter study to examine real-world data inputs from industry operations was published in 2012.\textsuperscript{46} That research found that speed limiters would reduce a small number of high-consequence crashes by a statistically significant 50 percent. However, that same study found a not-quite statistically significant trend that speed-governed fleets had higher overall (low-severity) crash rates than non-governed fleets. One hypothesis was that speed-governed truck drivers may make up for lost productivity by driving faster under the governed speed. Given that the research is now more than 10 years old and much has changed in terms of vehicle speeds and advanced safety systems, 32.2 percent of respondents believe

\begin{itemize}
\end{itemize}
that commencing new data collection is the first critical step in advance of any speed limiter rulemaking.

c) Support research to better understand truck crash increases by causal factors and vehicle type. Nearly 12 percent of respondents believe that more research is needed to identify truck crash causal factors and appropriate countermeasures. FMCSA’s update to its Large Truck Crash Causal Factors Study has a research design that calls for an expanded two years of crash data collection.47

10. Lawsuit Abuse Reform

<table>
<thead>
<tr>
<th>Ranked 1st</th>
<th>Ranked 2nd</th>
<th>Ranked 3rd</th>
<th>Total Share</th>
<th>Industry Concern Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5%</td>
<td>3.8%</td>
<td>4.1%</td>
<td>10.9%</td>
<td>35.4</td>
</tr>
</tbody>
</table>

For the third year in a row, Lawsuit Abuse Reform, previously termed “Tort Reform,” is a Top 10 issue, however it dropped six places this year to rank tenth overall. ATRI research has quantified the negative impact of excessive litigation on the industry’s insurance costs, and this year motor carrier respondents ranked Lawsuit Abuse Reform and Insurance Cost / Availability as their sixth and seventh top concerns, respectively (Table 2). Continued state-level advocacy is resulting in legislative wins for the trucking industry.

Proposed Strategies (in rank order):

a) *Advocate for elimination of “phantom” damages.* Phantom damages are the delta between medical costs that a defendant is billed for versus the actual medical costs paid. These inflated amounts can create a non-compensatory windfall for the plaintiff and plaintiff’s attorney. The use of medical finance companies by plaintiff attorneys is also being credited with the rise in phantom damages. In these cases, the plaintiff is encouraged by their trial attorney not to use their own health insurance but rather rely on outside medical finance companies that greatly inflate the costs. A total of 35.2 percent of respondents believe that elimination of phantom damages is the top strategy for lawsuit abuse reform.

b) *Encourage Congress to expand federal court jurisdiction to allow motor carrier defendants to take their take their highway accident cases into federal court as appropriate.* The ability to litigate a truck-involved crash case in federal court is limited by a number of criteria and rules. It typically involves “diversity jurisdiction” that only allows a case to be tried in federal court if the parties have different domiciles and the amount in question is greater than $75,000. ATRI’s research examining nuclear verdict impacts on the industry identified the move to federal court as a favorable litigation practice, and 31.5 percent of respondents believe expanding the ability to do so is the best approach for combatting lawsuit abuse.

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c) Educate motor carriers and law enforcement on how to identify staged accidents, and advocate for legislation that makes it a criminal offense to stage an accident with a commercial motor vehicle. In a case made famous in New Orleans, over 30 individuals have now been convicted as part of a federal investigation into staged accidents with tractor-trailers. Prosecutors in the case believe that the perpetrators may have been involved in as many as 100 fake crashes with cars and trucks.53 21.4 percent of respondents believe that better equipping the industry to identify staged accidents and more aggressively prosecuting those cases is the best strategy for lawsuit abuse reform.

Emerging Issues

As part of its analysis of critical industry issues, ATRI also tracks the emerging topics that generate significant industry interest but fall just outside of the Top 10 concerns (Table 1). This analysis can provide insight on issues that may emerge in the future as a top industry issue.

Table 1: Issues 11 – 13

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
<th>ICI</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Insurance Cost / Availability</td>
<td>35.3</td>
</tr>
<tr>
<td>12</td>
<td>Hours-of-Service (HOS) Rules</td>
<td>33.8</td>
</tr>
<tr>
<td>13</td>
<td>Driver Training Standards</td>
<td>32.5</td>
</tr>
</tbody>
</table>

As noted above, ATRI’s research has documented the relationship between excessive litigation and the continued rise of insurance costs, so it is not surprising that Insurance Cost / Availability follows closely behind Lawsuit Abuse Reform in this year’s survey. In fact, just four points separate the two issues in the overall tally of survey responses. ATRI’s research on rising insurance costs documented a 47 percent increase in the insurance premium costs per mile between 2010 and 2020. To offset those rising insurance costs, participating fleets reported a number of cost-cutting measures including reducing salaries, wages and bonuses, lowering their levels of excess insurance coverage, and delaying new equipment purchases.54

In June 2020, a new final rule was implemented that changed four specific provisions in the Hours-of-Service Rules including: the short-haul exception, the adverse driving conditions exception, the 30-minute rest break, and the sleeper berth provision.55 While these changes addressed industry concerns that had been identified in previous years’ surveys, there is still dissatisfaction with the HOS rules, particularly among truck drivers who ranked the HOS rules as their seventh highest concern. The write-in comments for how to best address the HOS Rules highlight the need for more flexibility in the sleeper berth provision beyond what is currently allowed, and how excessive detention at customer facilities negatively impacts a driver’s ability to work within the HOS rules.

The third emerging issue – Driver Training Standards – is another that ranks high among truck driver respondents (#9, Table 2). The long-awaited Entry-Level Driver Training (ELDT) rule was implemented earlier this year, providing minimum standards for theory and behind-the-wheel training for all new CDL applicants. The ELDT also established a Training Provider Registry in which training providers self-certify that they

meet the training requirements.\textsuperscript{56} However, the write-in comments show that sentiment is strong among truck drivers that too many new entrants are being put on the road without adequate training and that the trainers themselves are not adequately trained. ATRI’s recent research on integrating younger adults into trucking careers documents that the role and experience of trainers is extremely important to new hires.\textsuperscript{57}


\textsuperscript{57} Alex Leslie and Danielle Crownover, \textit{Integrating Younger Adults Into Trucking Careers}, American Transportation Research Institute (July 2022), https://truckingresearch.org/2022/07/11/integrating-younger-adults-into-trucking-careers/.
Commercial Driver versus Motor Carrier Issue Rankings

The first section of the Top Industry Issues report details the results of the overall industry survey of industry stakeholders including employee drivers and owner-operators, motor carrier executives, and other trucking industry stakeholders. However, each stakeholder group has different levels of involvement in, and perspectives on, how these topics impact them. As a result of these varied experiences, the selection and ranking of issues will differ across these groups. To provide insight into the differing perspectives in the ATRI survey sample, a separate analysis is provided to juxtapose how commercial drivers and motor carriers rank the issues (Table 2).

The rankings of industry issues by truck drivers and motor carrier executives are invariably influenced by their day-to-day experiences and encounters. A divergence of opinions between these two groups can provide deeper insight into the consequences of an industry issue.

### Table 2: Commercial Driver and Motor Carrier Issues

<table>
<thead>
<tr>
<th>Rank</th>
<th>Commercial Drivers</th>
<th>Motor Carriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Truck Parking</td>
<td>Driver Shortage</td>
</tr>
<tr>
<td>2</td>
<td>Fuel Prices</td>
<td>Driver Retention</td>
</tr>
<tr>
<td>3</td>
<td>Driver Compensation</td>
<td>Fuel Prices</td>
</tr>
<tr>
<td>4</td>
<td>Detention / Delay at Customer Facilities</td>
<td>CSA</td>
</tr>
<tr>
<td>5</td>
<td>Speed Limiters</td>
<td>Economy</td>
</tr>
<tr>
<td>6</td>
<td>Economy</td>
<td>Lawsuit Abuse Reform</td>
</tr>
<tr>
<td>7</td>
<td>HOS Rules</td>
<td>Insurance Cost / Availability</td>
</tr>
<tr>
<td>8</td>
<td>ELD Mandate</td>
<td>Diesel Technician Shortage</td>
</tr>
<tr>
<td>9</td>
<td>Driver Training Standards</td>
<td>Detention / Delay at Customer Facilities</td>
</tr>
<tr>
<td>10</td>
<td>Transportation Infrastructure / Congestion / Funding</td>
<td>Truck Parking</td>
</tr>
</tbody>
</table>

Truck Parking is now back on the motor carrier list after several years of absence, despite it being an annual top three issue for drivers since the first driver-carrier comparative list was included in the 2016 report.\(^{58}\) Its return to the motor carrier list of

top concerns is an acknowledgement of how critical it is that the public and private sectors work together to ensure that the nation’s professional drivers have safe places to rest.59

Even within the truck driver population, there is a divergence of priority issues between company drivers and owner-operators (Table 3).

Table 3: Company Driver and Owner-Operator / Independent Contractor Issues

<table>
<thead>
<tr>
<th>Rank</th>
<th>Company Drivers</th>
<th>Owner-Operators / Independent Contractors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Driver Compensation</td>
<td>Fuel Prices</td>
</tr>
<tr>
<td>2</td>
<td>Truck Parking</td>
<td>Truck Parking</td>
</tr>
<tr>
<td>3</td>
<td>Detention / Delay at Customer Facilities</td>
<td>Driver Compensation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issue Rank</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>Fuel Prices</td>
<td>Driver Shortage</td>
<td>Truck Parking</td>
<td>Driver Compensation</td>
<td>Economy</td>
<td>Detention / Delay</td>
<td>Driver Retention</td>
<td>CSA</td>
<td>Speed Limiters</td>
<td>Lawsuit Abuse Reform</td>
</tr>
<tr>
<td>2021</td>
<td>Driver Shortage</td>
<td>Driver Retention</td>
<td>Driver Compensation</td>
<td>Lawsuit Abuse Reform (previously Tort Reform)</td>
<td>Truck Parking</td>
<td>CSA</td>
<td>Detention / Delay</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Insurance Cost / Availability</td>
<td>Diesel Technician Shortage</td>
</tr>
<tr>
<td>2020</td>
<td>Driver Shortage</td>
<td>Driver Compensation</td>
<td>Truck Parking</td>
<td>CSA</td>
<td>Insurance Cost / Availability</td>
<td>Driver Retention</td>
<td>Tort Reform</td>
<td>Economy</td>
<td>Detention / Delay</td>
<td>Hours-of-Service</td>
</tr>
<tr>
<td>2019</td>
<td>Driver Shortage</td>
<td>Hours-of-Service</td>
<td>Driver Compensation</td>
<td>Detention / Delay at Customer Facilities</td>
<td>Truck Parking</td>
<td>Driver Retention</td>
<td>ELD Mandate</td>
<td>CSA</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Economy</td>
</tr>
<tr>
<td>2018</td>
<td>Driver Shortage</td>
<td>Hours-of-Service</td>
<td>Driver Retention</td>
<td>ELD Mandate</td>
<td>Truck Parking</td>
<td>CSA</td>
<td>Driver Distraction</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Health / Wellness</td>
<td>Economy</td>
</tr>
<tr>
<td>2017</td>
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<td>ELD Mandate</td>
<td>Hours-of-Service</td>
<td>Truck Parking</td>
<td>Driver Retention</td>
<td>CSA</td>
<td>Cumulative Impacts of Regulation</td>
<td>Driver Distraction</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Health / Wellness</td>
</tr>
<tr>
<td>2016</td>
<td>ELD Mandate</td>
<td>Hours-of-Service</td>
<td>Cumulative Impacts of Regulations</td>
<td>Truck Parking</td>
<td>Economy</td>
<td>CSA</td>
<td>Driver Shortage</td>
<td>Driver Retention</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Distraction</td>
</tr>
<tr>
<td>2015</td>
<td>Hours-of-Service</td>
<td>CSA</td>
<td>Driver Shortage</td>
<td>Driver Retention</td>
<td>Truck Parking</td>
<td>ELD Mandate</td>
<td>Driver Health / Wellness</td>
<td>Economy</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Distraction</td>
</tr>
<tr>
<td>2014</td>
<td>Hours-of-Service</td>
<td>Driver Shortage</td>
<td>CSA</td>
<td>Driver Retention</td>
<td>ELD Mandate</td>
<td>Truck Parking</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Health / Wellness</td>
<td>Economy</td>
<td>Driver Distraction</td>
</tr>
<tr>
<td>2013</td>
<td>Hours-of-Service</td>
<td>CSA</td>
<td>Driver Shortage</td>
<td>Economy</td>
<td>ELD Mandate</td>
<td>Truck Parking</td>
<td>Driver Retention</td>
<td>Fuel Supply / Fuel Prices</td>
<td>Infrastructure / Congestion / Funding</td>
<td>Driver Health / Wellness</td>
</tr>
</tbody>
</table>

Note: **Bold** indicates first year in top ten.