Looking at the World Through a Windshield

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In discussing the driver shortage, Todd Spencer, executive vice president of the Owner Operator Independent Drivers Association, told NPR, “Federal regulators simply don’t have a clue. . . They don't have a clue what truckers do, how they go about doing it, the environment that they live in, the schedules and things like that, the demands of the job.”¹ As attorneys, we focus on defending our clients – whoever they may be. At conferences, we listen to other attorneys and industry professionals discuss strategies for how to defend our clients, but we rarely have an opportunity to hear from men and women who drive trucks for a living. Certainly understanding our core clientele can help us better understand the transportation industry as a whole and help us be better advocates on its behalf.

According to the American Trucking Association, heavy trucks move roughly 71% of the nation’s freight by weight.² Here are some other interesting facts about the trucking industry:

- $738.9 billion in gross freight revenues (primary shipments only) were from trucking, which represented 81.5% of the nation’s freight bill in 2016.

• 10.55 billion tons of freight (primary shipments only) were transported by trucks in 2016, which represented 70.9% of total domestic tonnage shipped in 2016.

• $41.3 billion was paid by commercial trucks in federal and state highway-user taxes in 2015.

• Commercial trucks make up 12.8% of all registered vehicles.

• In 2015, there were 33.8 million trucks registered and used for business purposes (excluding government and farm) in 2015.

• In 2016, there were 3.68 million Class 8 trucks in operation.

• In 2015, there were 450.4 billion miles traveled by all registered trucks.

• According to the U.S. Department of Transportation, as of June 2017, there were 777,240 for-hire carriers on file with the Federal Motor Carrier Safety Administration, 700,591 private carriers, and 80,247 other interstate motor carriers.

• 91% of all registered motor carriers operated six (6) or fewer trucks.

• 97.3% of all registered motor carriers operated fewer than twenty (20) trucks.

• In 2016, trucks transported 60.1% of the value of trade between the U.S. and Canada, and 70.1% of the value of trade between the U.S. and Mexico.³

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³ [https://www.trucking.org/News_and_Information_Reports_Industry_Data.aspx](https://www.trucking.org/News_and_Information_Reports_Industry_Data.aspx)
All of these goods must be transported by a motor carrier’s most important asset – its people. In 2016, there were 3.5 million truck drivers employed.\textsuperscript{4} These persons have a simple task – transport goods from one location to another. As part of this responsibility, truck drivers are typically required to secure cargo for transport, using ropes, blocks, chains, or covers; inspect their trailers before and after the trip, drive long distances; follow all federal and state regulations; maintain a log of their working hours; keep their trucks and associated equipment clean and in good working order; report serious mechanical problems to the appropriate personnel; and, report to a dispatcher any incidents encountered on the road.\textsuperscript{5}

Some drivers have assigned routes, some plan their own. Some drivers have a dedicated route, some take many different routes. Some drivers are home every night, some are not home for weeks at a time. Some drivers drive on their own, some have a team driver. Some drivers operate under a restricted permit, some have no restrictions other than those provided for under state and federal law. Some drivers are employees of the motor carrier, some are owner-operators who are in business for themselves.

It should not be surprising to learn that a complex industry employs a wide variety of individuals with diverse backgrounds. While this group of people is still largely made up predominately of white men with an average age of 52\textsuperscript{6}, the U.S.

\textsuperscript{4} \url{https://www.trucking.org/News_and_Information_Reports_Industry_Data.aspx}.
\textsuperscript{5} \url{https://www.bls.gov/ooh/transportation-and-material-moving/heavy-and-tractor-trailer-truck-drivers.htm#tab-2}.
\textsuperscript{6} \url{https://www.fleetowner.com/driver-management/driver-pay-trucking-s-image-and-worsening-driver-shortage}.
Census Bureau has advised that the number of white males ages 35-54 is in decline and will continue to fall through 2020.\(^7\)

Unfortunately, due to the aging employee base, the shrinking replacement population of younger industry workers, and the growth of the industry, there is a significant driver shortage issue.\(^8\) In a May 28, 2018 article, the Washington Post interviewed a number of truck drivers and asked them their views on the trucking industry and the driver shortage. A copy of that article is included with these course book materials. The comments expressed therein are consistent with those expressed by industry professionals – below average pay, difficulty with family life, sedentary life, lack of respect for the profession, etc. In addition, truck driving is routinely identified as one of the most dangerous professions.\(^9\)

The issues with the driver shortage are compounded by the fact that millennials have not shown a great desire to join this profession. An article suggesting that millennials should consider truck driving was recently published by NBC News and is included with these materials for your convenience.

ATA Chief Economist Bob Costello outlined the challenges this problem creates for the trucking industry: “Anecdotally, carriers continue to struggle both recruiting and retaining quality drivers – leading to increasing wages. The tight


\(^9\) [https://www.bls.gov/news.release/cfoi.nr0.htm](https://www.bls.gov/news.release/cfoi.nr0.htm).
driver market should continue and will be a source of concern for carriers in the months ahead. Turnover is not a measure of the driver shortage, but rather of demand for drivers. We know that as freight demand continues to rise, demand for drivers to move those goods will also rise, which often results in more driver churn or turnover. Finding enough qualified drivers remains a tremendous challenge for the trucking industry and one that if not solved will threaten the entire supply chain.”¹⁰

While advancements in autonomous vehicles and platooning technology may someday relieve the pressure on the trucking industry and truck drivers, for now we must appreciate the fact that good drivers will be a hot commodity that motor carriers continue to seek out. In addition, we can be confident that no matter how difficult the life of a truck driver may be, truck drivers would still much rather be in a truck cab than a courtroom.

The truck driver is the lawyer’s client, the company’s employee, and the insurer’s insured. These titles are understood, but they underscore our collective responsibility to the truck driver. Therefore, it is imperative that we understand the truck driver’s perspective about the trucking industry, accident prevention, and the litigation process.

¹⁰ https://www.logisticsmgmt.com/article/when_it_comes_to_the_truck_driver_shortage_the_struggle_is_still_real.