



Driving the Economy: The Essential and Undervalued Work of Truckers - Transcript

Hosted by the Aspen Institute Economic Opportunities Program

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Description

A career in trucking was once considered a pathway to the middle class. Yet the quality of jobs in the industry has steeply declined in recent decades. Long-haul truckers, who might spend days or weeks away from home, have seen their salaries fall by as much as half since the deregulation of the industry a half century ago, and annual turnover hovers near 100%. Short-haul truckers are frequently misclassified as independent contractors, stripping them of benefits and worker protections and burdening them with the costs of owning and operating a truck. And predatory leasing arrangements are pushed on truckers by the industry, saddling many with debt that they struggle to pay off. All of this is in spite of the fact that truckers work year-round, at all hours of the day, while exposed to hazards, to ensure that our economy keeps moving.

In recent years, a common narrative developed that there is a shortage of truck drivers. What is missing, however, is that this shortage is driven in large part by the industry's turnover rates and the lack of good jobs that allow truckers to thrive. Today, there are nearly three times as many people with the necessary licensing and qualifications as there are trucking jobs. In addition, new developments in technology promise to upend the industry as companies embrace automation and increasingly deploy methods of surveillance. As a key pillar of our economy and supply chain, and one of the largest occupations in the US, the job quality of workers in the trucking sector has far-reaching implications. Join the Aspen Institute Economic Opportunities Program on March 19 to

explore the challenges truckers face and ideas for improving the returns for the essential work they do.

In this virtual event — hosted by the Aspen Institute Economic Opportunities Program on March 19, 2025 — we explore the challenges truckers face and ideas for improving the returns for the essential work they do. Our conversation features opening remarks from Desiree Wood (Founder and President, REAL Women in Trucking, Inc.), Robin Hutcheson (Former Administrator of the the Federal Motor Carrier Safety Administration Forward Justice; Hutcheson Independent LLC), Rebecca King (Attorney, Getman, Sweeney & Dunn, PLL.), Michael Muñoz (Research Director, Los Angeles Alliance for a New Economy (LAANE)), Steve Viscelli (Strategic Associate Professor of Practice, University of Pennsylvania), and moderator Alana Semuels (Senior Economics Correspondent, TIME).

Speakers

Desiree Wood (Opening Remarks)

- Founder and President of REAL Women in Trucking, Inc.

Wood is the founder and president of REAL Women in Trucking, Inc. (RWIT) 501 (c)(6) advocacy organization formed by working women truck drivers focused on addressing gender-based violence and harassment in the commercial motor vehicle industry and Trucker's Emergency Assistance Responders, Inc. 501 (c)(3) a charity formed to help truck drivers with short term emergency assistance following carrier abandonment.

Desiree has 15 years of experience as a commercial motor vehicle driver and over 1 million safe miles. She provides insight to scholars, law firms, media outlets, and movie and television productions on trucking issues. She speaks to universities and at public sector forums to provide an authentic perspective on life on the road as a long-haul truck driver, providing support and leadership for legislative and public policy efforts. She has been recognized internationally for her work and expertise.

Desiree holds a bachelor of arts degree in business administration from the University of Maryland University College and credits from the University of Nevada, Las Vegas, College of Business. Her work is featured in a feature length documentary called "Driver" that premiered at the Tribeca Film Festival in June 2024.

Robin Hutcheson

- Hutcheson Advisory, Former Administrator of the the Federal Motor Carrier Safety Administration

Hutcheson is a multi-sector transportation expert working at the center of cities, roadway safety, climate, supply chain and technological transformation. Through Hutcheson Advisory, LLC she advises public and private sector clients on complex transportation systems to identify and harness opportunities, and to decipher federal and local regulation. She was appointed by President Biden to serve in two key positions in the Administration. As the deputy assistant secretary for Safety Policy, she led the development of the National Roadway Safety Strategy and was a key contributor to the Bipartisan Infrastructure Law, including as the author of the first of its kind \$5 billion Safe Streets for All grant program for local government.

As the Senate confirmed administrator of the Federal Motor Carrier Safety Administration, she led a research and regulatory agency of over 1,200 people nationwide to improve roadway safety and support a stronger supply chain. Prior, she was the director of Public Works for Minneapolis, the director of Transportation for Salt Lake City, the president of the board of directors of the National Association of City Transportation Officials and a founding board member of the Open Mobility Foundation. Robin's experience also includes a long history as a private sector consultant at the local, national and international scale. Robin leads with transparency and influential communication, and she is an entrepreneur at heart.

Rebecca King

- Attorney, Getman, Sweeney & Dunn, PLL

King is an attorney with the law firm Getman, Sweeney & Dunn, PLLC, where she represents workers in wage-and-hour class and collective action lawsuits nationwide. She is committed to standing with working people and fighting for the wages and respect they are due. Rebecca has represented workers across multiple industries, including thousands of long-haul truck drivers who allege they were misclassified as independent contractors and are owed the minimum wage under federal and state

law. Rebecca also represents long-haul truck drivers seeking unpaid compensation under the federal Truth in Leasing Act, 49 C.F.R. § 376.12(g).

Rebecca has been admitted to practice in the state of New York and the southern and eastern districts of New York, and she is a member of the National Employment Lawyers Association.

Mike Muñoz

- Research Director, Los Angeles Alliance for a New Economy (LAANE)

Muñoz joined the Los Angeles Alliance for a New Economy (LAANE) in 2017 as a senior researcher on LAANE's "Our People Our Port" campaign. Mike went on to become the director of the campaign before becoming LAANE's research director in 2023.

Prior to LAANE, Mike was an organizer with the Teamsters and with the Warehouse Worker Resource Center at the Port of Los Angeles, and he served as coordinator of the National Staffing Workers Alliance, a coalition of worker centers dedicated to organizing temporary and staffing agency workers. He also spent 14 years working at the National Immigration Law Center. Born and raised in East Los Angeles, Mike attended East Los Angeles College before receiving his Bachelor of Arts in Political Science from University of California, Santa Barbara in 1994.

Steve Viscelli

- Associate Professor of Practice, University of Pennsylvania.

- Author of *The Big Rig: Trucking and the Decline of the American Dream*

Viscelli is an economic sociologist who studies work, labor markets, and public policy. He is an associate professor of practice at the University of Pennsylvania. In 2016 he published "*The Big Rig: Trucking and the Decline of the American Dream*," which explains how the deregulation of trucking and the rise of independent contracting turned trucking from one of the best blue-collar jobs in the US into one of the toughest.

He has worked on a wide range of research and policy initiatives at the State and Federal levels to improve training, pay and working conditions for truck drivers. In 2023 and 2024, he served on the United States Department of Transportation's Truck Leasing

Task Force. His current research focuses on the impact of self-driving trucks on truckers and the impact of e-commerce and artificial intelligence on package delivery drivers.

Moderator

Alana Semuels

- Senior Economics Correspondent, TIME

Semuels is a senior economics correspondent at TIME magazine, where she writes about topics including work, housing, consumer spending, and the supply chain. She was previously a staff writer at The Atlantic and a correspondent in both New York and Los Angeles for the Los Angeles Times.

Transcript

Matt Helmer (00:00:02)

Hello, everybody. My name's Matt Helmer, and I'm the Managing Director of the Economic Opportunities Program here at the Aspen Institute. It's great to see everyone. I welcome you to today's conversation, Driving the Economy, The Essential and Undervalued Work of Truckers. This conversation is part of our Opportunity in America Series. During these conversations, we try to bring together researchers, practitioners, workers, businesses, philanthropy, and a variety of other people to talk about the changing economic landscape in our country, what that means for workers, what that means for businesses, and ultimately, how we create an economy that works for everyone. Those of you who've been with us before know the drill here. I'll go through some quick technology things real quick. Everyone's muted. Please use that Q&A button at the bottom of your screen to submit and upvote questions. We'll try to get to as many of those as we can.

Use the chat to share your perspective, your ideas, your examples, and resources, and experiences related to today's conversation. If you want to post about this conversation on social media, you can use our #TalkOpportunity. If you have any technical issues during the webinar today, please message us in the chat or email us at eop.program@aspeninstitute.org. We are recording this event and it will be shared via

email and put on our website. Finally, closed captions are available for this discussion. You just have to click that CC button at the bottom of your screen. Before we turn to trucking today, I just wanted to acknowledge the world we're in a little bit today and share a word about some of the attacks that we're seeing on public sector workers and government workers today in our country. I think, like many of you, we, here at the Economic Opportunities Program, have been shocked, appalled, and dismayed at some of the unjustified and what judges are now ruling sometimes are unconstitutional and illegal firings of many government workers.

We're seeing park rangers, scientists and researchers, public health workers, humanitarian workers, civil rights lawyers, social workers, so many important people being let go from the government, and all of these people often play a very essential role in our society. They're responsible for advancing science. They're responsible for identifying and evolving a number of issues across our society and our economy. They protect us from fraud. They alert us to emergencies. They help us prepare and respond to natural disasters and pandemics. A lot of them are here to help protect our environment, to make sure we have clean water and air. A lot of them are working on the issues we're talking about today and trying to foster equal opportunity, both in our economy as well as in our schools, to make sure that education is accessible to all. Many of them, of course, really just provide really critical services to a number of populations like veterans, farmers, the elderly, people with disabilities, school-aged children, the homeless, unemployed, underemployed workers.

They provide services to all of us, really, so just to note that these workers and their families affected by these cuts are in our thoughts and we stand with them in their pursuit of justice as some of these cases make their way through the court system and are hopefully resolved. Turning to today's events on trucking. Trucking is such an interesting industry that has deep historical ties in our country and is really part of our national psyche, and it's perhaps one of the most romanticized occupations in the U.S. We often associate it with American values around freedom, independence, and opportunity. It's been celebrated in music and folklore. If you were around in the '80s, you know that every other movie, one of the characters was a trucker. It's been seen as a way to see the country while earning a living. But I think, today, many of those views that we have about this occupation, that we're going to uncover today, are a bit outdated.

Today, it's a job where you can literally work weeks on end away from your family and make less than minimum wage, and in some cases, as we'll hear, you may actually

work three weeks in a row and still owe money back because of some of the expenses you've incurred, but it remains at the very foundation of our economy. Everything we buy, everything we consume, everything we use at some point was probably transported on a truck. Given this importance in our economy, the lack of good jobs in the industry obviously raises some serious concerns about the resilience and strength of our supply chains and the safety of our roads. We see turnover rates in this industry often exceeding 100%, suggesting that many workers and drivers simply cannot sustain the conditions they face. We've heard in recent years these claims of a shortage of drivers for open positions, and I think what will impact today is that the truer story is that this job is in demand because there's a shortage of good jobs and because people struggle to endure and succeed in this industry.

But beyond the economics, the impacts of this crisis extend deeply into our families and communities. We were talking before we jumped on this call about how everyone knows a trucker, or at least you're maybe just one step removed. My step-grandfather was a teamster. My wife's grandfather was a trucker. The grandfather of my colleague, Max, who helped put together this event, was also a teamster and a trucker. I have some old friends from high school and college, they're truckers, and I don't think my experiences are unique. I think we all know a trucker, like I said. If you want to share those in the chat, feel free to do so. It's really deeply embedded in our communities and our society, so ensuring fair, stable, and dignity in this work, in this industry, is really about more than just improving one occupation. It's really about reshaping some of the building blocks of our economy to make sure that we have a system that works for all of us, where workers earn their fair share and their health, and wellbeing, and ability to be present in their lives with their children and families is treated as a priority, and then we design jobs around that rather than focusing on this endless pursuit of efficiency that we know, at some point, leads to the wrecking of people's lives and communities and now endangers our country a little bit. Let's dive into the challenges and what's needed for a brighter future for truck drivers and workers who face similar challenges. It's my pleasure today to kick us off with our opening speaker, Desiree Wood.

Desiree is the founder and president of REAL Women in Trucking. It's an advocacy organization formed by working women truck drivers focused on addressing gender-based violence and harassment in the commercial motor vehicle industry. It's not enough to found one organization, Desiree founded another. She founded Truckers Emergency Assistant Responders, a charity formed to help truck drivers with short-term emergency assistance. She has 15 years of experience as a driver and over 1 million safe miles. She speaks frequently about the challenges of work in this industry and has

been recognized internationally for that work and her expertise. Finally, her work is featured in a feature-length documentary called *Driver* that premiered at the Tribeca Film Festival in June 2024. Let me turn it over to Desiree.

Desiree Wood (00:07:36)

Hello, everybody. It is my distinct honor and pleasure to deliver this keynote for you today. My name is Desiree Wood. I am a former truck driver and the founder of REAL Women in Trucking, an advocacy organization started by working women truck drivers. We have formed to address sexual assault and harassment in the commercial motor vehicle industry. The word real has nothing to do with gender and everything to do with authenticity. It's something that's sorely lacking in the trucking industry. I want to start today with a quote from B.C. Forbes that goes, "There's more credit and satisfaction in being a first-rate truck driver than a 10th-rate executive," and it's so true. I grew up in Southern California rarely seeing trucks, except on the freeways or when we drove up north. I never really thought much about the industry until I became a truck driver myself in 2007.

As a responsible person who values safety, I was shocked at the unsafe and the poor treatment of the drivers, the endless regulations that are in conflict with their wellbeing and the volume of hours that they work without compensation. As a descendant of migrant field workers, I was struck by the lack of authentic advocates for the truck drivers. There was no César Chávez or Dolores Huerta, just a lot of opportunists looking to nickel-and-dime the drivers. Trucking gives one a sense of purpose, but it's a grueling and isolating job. Simple comforts, like a shower or clean laundry, become rare luxuries. It's one of the most dangerous jobs to have, and it requires resilience so that you are not consumed by the loneliness of the road. It's essential. Trucks keep the economy moving. A highway full of them on the interstate signals a prosperous economy and an empty interstate signals a decline in consumer spending.

Everything we rely on, food, clothing, medicine, arrives by truck, yet drivers receive little appreciation unlike farmers and first responders. Once a respected middle-class career, being a professional commercial motor vehicle operator has been stripped of its dignity and of a living wage. Job quality today in the trucking industry has plummeted, making it an unsustainable profession, rife with employer-driven debt bondage, shady training, repayment agreements, wage skimming, predatory lease purchase programs that trap drivers in living and working conditions that have been called sweatshops on wheels. Meanwhile, companies use coercion, carrier abandonment, wage theft, and

blacklisting to enforce unsafe practices. Training requires weeks of unsupervised cohabitation with strangers. It forces low-wage student drivers into dangerous team driving and something that experienced drivers won't do. It's an environment plagued by sexual assaults, violence, and even murder, yet the industry resists reform. While barriers to entry are low in starter fleets, where the pay barely covers the costs associated with living on the road, advancing into an experience level fleet is far more difficult due to widespread hiring discrimination.

Misclassification is rampant in trucking, stripping drivers of benefits while forcing them to cover operating costs. Many face fraudulent deductions for fuel, escrow, and other expenses with no recourse. New drivers are indoctrinated into the idea that they are independent contractors even though much of what they do is heavily controlled by the company, and they're paying much more for what the truck is worth. In these sharecropper truck lease programs, rarely will these drivers ever see the title to the truck. They are set up to fail. The so-called truck driver shortage is a myth, perpetuated to instill fear of a crisis and to lure more unwitting people into a government subsidized cheap labor indentured servitude operation that is funded by taxpayer dollars, and it has been for decades. It has no metrics in place to tie any of this money to the retention numbers. Trucking is an industry with nearly 100% turnover rate year after year and double that figure in the training sector. That's not a labor shortage.

It's a well-designed, deliberate system, favors cheap labor over experienced drivers who want to be compensated fairly. It also keeps truck drivers disorganized while churning new recruits through an exploitative training program. In reality, there are nearly three times as many qualified drivers as available jobs. Truck drivers are bound by strict appointment times that are dictated by shippers and receivers while, at the same time, governed by federal regulations and an electronic logging device that further controls their productivity. They can drive 11 hours a day, up to 70 in an eight-day period. Most are only paid by the mile. They are exempt from fair labor standards. They are not paid to wait at inefficient loading and unloading facilities that make up another 10 or 20 hours a week, and they're not paid hazard pay for working through national disasters like the pandemic. Many are making less than minimum wage for the hours they work, which can be about 100 a week, and they're not entitled to any overtime protections.

The wages have stagnated since the 1980s, and many long-haul truck drivers spend 300 days on the road and do not maintain a residence outside of the truck since it makes no financial sense to do so. That means that they're instantly homeless if they lose their

job or the truck breaks down. Meanwhile, automation threatens millions of truck driver jobs who have limited marketable job skills. The safety implications of autonomous vehicles have not been fully transparent, and expanded surveillance is now forcing drivers to push beyond legal limits while giving the companies even more control without ensuring fair pay for all of the work hours. The relentless demand for cheap delivery comes at a steep cost borne by the truck drivers and, ultimately, by public safety. The trucking industry's unchecked influence over the very federal agency that regulates them has eroded the integrity of this profession. It has turned truck driving into a grueling, unsustainable job.

Public apathy has allowed this crisis to grow, but it doesn't have to continue. The public has the power to hold corporations accountable, pushing for fair labor standards for the truck drivers, supporting legislation for overtime pay, enforcement of broker transparency regulations, and raising the low standards in truck driver training, demanding that your elected representatives do not spend another penny of taxpayer funds on commercial driver training programs that have no tie to retention of those drivers, supporting and enforcing well-defined independent contractor rules that protect the true independent truck driver, and penalize those who exploit drivers. Trucking is an industry that affects everyone, from the truck drivers behind the wheel to the family sharing the highway with them. Trucking lobby groups do not represent the interests of the workforce, and the public must know the difference. Become more engaged and learn how to support the truck drivers who are the backbone of our economy. We need to work together and we need to start immediately. Consumer outrage is the key to restoring dignity to this essential profession and making our roads safer for all. Thank you.

Matt Helmer (00:18:02)

Thank you so much, Desiree, for sharing your experience and for all your leadership and advocacy in this space. Significant challenges, for sure, as Desiree spoke about, and we're going to get into some of those, as well as some potential solutions, so let me bring on our panel now, one of the best panels I think we've ever put together. I'm really looking forward to this conversation. We have Robin Hutcheson, Hutcheson Advisory. She is the Former Administrator for the Federal Motor Carrier Safety Administration. I'm just going to put names to faces. You can read more about their bios on our website. Rebecca King, Attorney at Getman, Sweeney, & Dunn, Mike Muñoz, Research Director at Los Angeles Alliance for a New Economy, and Steve Viscelli, Associate Professor of

Practice at the University of Pennsylvania and author of *The Big Rig: Trucking and the Decline of the American Dream*. It's a fabulous book.

I recommend you pick up a copy if you want to learn more beyond today's conversation. It's my pleasure to introduce our moderator and to welcome back to the institute Alana Semuels. Alana is the Senior Economics Correspondent at TIME. She writes about topics including work, housing, consumer spending, and the supply chain. She was previously a staff writer at the Atlantic and a correspondent in both New York and Los Angeles Times. She's covered trucking and written a lot about this topic as well, and she's the perfect guide for today's conversation. Let me turn it over to you. Alana, thanks for joining us.

Alana Semuels (00:19:29)

Thanks so much, Matt, for bringing all these great people together. I'm really excited for this discussion. We've all seen the trucks on the road with the big letters across the back that say Now Hiring. If you believe those signs, almost every truck company in America is essentially hiring all the time, which is pretty much true, but there's a reason for this as we're going to discuss and as Desiree has noted. A lot of new entrants don't stay very long in the trucking industry. They find the jobs are difficult, that they're away from home for long periods of time, and that the jobs don't pay very well. A lot of this stems from deregulation in the trucking industry, and I learned a lot of this from our panelist Steve Viscelli in his excellent book. But deregulation in the 1980s turned trucking from a steady, good-paying job into, essentially, low-paid gig work, and pay has fallen dramatically since then even though drivers are much more productive than they used to be.

But people are still continuing to enter the industry, often attracted by government grants and programs that pay people to go into trucking. Whether that money is well-spent is something we're going to discuss in a little bit. I want you to think about how these are jobs that the country really needs. Trucks deliver a lot of the things we consume today, from ports to warehouses. They take things from warehouses to stores, from stores to your house. I had a little taste of this when I signed up to be an Amazon delivery driver and very nearly got a ticket on my first day. What those jobs have to do with trucking is that they're both gig jobs where you have to pay for almost all of the expenses on the road by yourself.

This panel has some of the best qualified people in the country to talk about the contradictions inherent in trucking, how it's a profession that we need, but one that we don't treat people very well. I'm hoping they'll be able to enlighten us on some of the biggest problems facing trucking and what we should do about them. Let's start out with Steve. Steve, you have an interesting journey to this issue. Tell us how you came to be involved in trucking, and also, if there's anything else about the history of the industry that you want to pop in that I missed, feel free to add that as well.

Steve Viscelli (00:21:35)

Thank you, Alana. I'm a sociologist and I began studying trucking as a graduate student, but I had early connections to it because my father ran a truck scale at a factory. He would weigh the trucks as they came in and out with metal, and he always had these stories about life on the road. At that time, it was the romanticized version of it, that 1970s, '80s, Smokey and the Bandit, kind of long-haul owner-operator-dominated culture. But there was a much larger part of trucking that moved the vast majority of goods in the United States, and most of those were teamster drivers. In the 1970s, those drivers earned, in today's dollars, well over \$100,000 a year, and so those drivers had a very different lifestyle, if you will, which I actually think about as lifestyle is a euphemism for working conditions in the trucking industry. When things are really bad, when jobs are really bad, the employers like to call them a lifestyle rather than a set of working conditions.

But what deregulation did in the 1980s was it really changed the way that freight moved. It used to be moved by these unionized companies that had terminals, and so a lot of trucking looked like what UPS does today. You take a bunch of stuff, you collect it, you put it in a truck at a terminal, and then you send them to the destination on a long-haul trip, and then you break it down again at that facility at the end point. Drivers had regular pickup and delivery jobs, and then they had jobs running between those terminals, which meant that drivers, not only were they well-paid and protected by the union with pensions and healthcare, but they were home most nights. A lot more jobs were local, and those that were over the road were regularly scheduled to be home every night, every other night.

What deregulation did was it allowed these trucks to become truckload trucks, meaning they would go from point to point from the sender to the receiver, or the shipper and the consignee as they're known in trucking. What that meant for truckers was that the most efficient way to route them was not back and forth between

terminals so they were home at night, but all around in these random patterns. In 2005, I went and studied the industry and I got a job as a truck driver, went through the bootcamp training, and then experienced this, and was sent all around, across 25 or 30 different states over the course of months, living out of the truck, sleeping in the truck, eating in the truck, essentially being in that truck 24 hours a day. And so those working conditions allowed for the growth of this truckload trucking, which supported the expansion of supply chains to include global supply chains connecting with global labor around the world and serving for these national markets. But what it's meant for truck drivers is that they can live for weeks at a time while their truck is loaded, unloaded, while they're driving out of that truck, away from home and their families.

Alana Semuels (00:24:51)

Really Interesting. Yeah. If you want to hear more about Steve's experiences as a trucker, I highly recommend his book again. Robin, tell us a little bit about yourself and your recent role at the Federal Motor Carrier Safety Administration and how that agency fits into the picture of truck driving and truck driving regulation?

Robin Hutcheson (00:25:11)

Well, first of all, it's great to be here with some just real pros in this industry in terms of research and people who have actually done the job, and I appreciate being invited to contribute. I'm Robin Hutcheson. I've been working in transportation for nearly 30 years. I spent three years in the Biden-Harris administration in two different positions, the most recent of which was as the Administrator of the Federal Motor Carrier Safety Administration, FMCSA. That agency's primary mission is to reduce deaths and serious injuries associated with commercial motor vehicle travel. And it does that through research, regulatory action and compliance. But I want to go back a little and just talk about the conditions under which I became the administrator and how that shaped the kind of work that I did at FMCSA, which was maybe a little less traditional than past work.

I was asked to step into the role of Administrator, first Deputy Administrator, then administrator during COVID and in the middle of a supply chain crisis. There was no way what we did before could be what we should do moving forward. The world was different, and I quickly realized that FMCSA has a critical mission and that agency is full of incredible people. And it had been focused on compliance more than anything else, which is the act of catching people doing bad things after they've already done

the bad thing, which I did not feel was sufficient. So I started to shift the agency or expand the agency upstream, and as I did so, it brought me to the roots of the problem of safety, which happens to be one of the roots of the problem of a brittle supply chain. And that really comes, and came very quickly to me that it focused very much on the driver and on the driving population. Take care of the driver and you can improve safety outcomes. Take care of the driver and you can reduce the brittleness of the supply chain.

So the work of FMCSA changed, expanded a little bit. Maybe just a little bit more about me is I don't come from trucking, blessing, curse, whatever. Some people hated that and really said some not so nice things about me when I became the Administrator. And other people were like, "Well, this is really interesting. Here's someone who comes from safety and roadway safety and building strong communities." And I applied all of that to think maybe more broadly than potentially what has typically been thought of in a very traditional regulatory agency. It was, for me personally, the most expansive thing I could have done in my career. It's rare when it's fairly late in your career. You get an opportunity to build on what you think you know about transportation and realize that if we're really going to have a strong transportation network, economy, if we're going to have strong communities, if we're going to have great jobs, it boils down always to the person, to the human, and in this case, it's the driver. So I look forward to sharing more.

Alana Semuels (00:28:59)

Thanks. And we'll talk a little bit more about what you did, some of the Biden administration's initiatives a little bit later.

Robin Hutcheson (00:29:04)

Okay.

Alana Semuels (00:29:05)

So Robin... Sorry, Rebecca, talking about the driver, you're an attorney and you've worked with a lot of drivers, representing them in court cases, but tell us a little bit more about yourself and the work that your law firm does in the trucking industry?

Rebecca King (00:29:18)

Hi, Alana. Thanks so much for having me here. I'm so excited to talk about this really important issue. So like you said, my name is Rebecca King and I'm an attorney with Getman, Sweeney & Dunn in Kingston, New York. And we represent workers and nationwide class and collective actions seeking unpaid overtime and minimum wage. Most of the work that we do is in federal court and we represent workers across industries. So we've represented workers in the financial industry to home health aides, and then of course, truck drivers. And for well over a decade now, we've been representing truck drivers. And these drivers in a lot of instances are engaged in what we might've heard earlier, referred to as a lease purchase program where the driver enters into a contract with the trucking company and the company classifies that driver as an independent contractor. And the driver leases a truck from most likely a subsidiary of that trucking company, and then signs a separate contract to lease that same truck back to the trucking company itself.

And in these cases, we allege that the drivers have been misclassified, which means they're improperly classified as independent contractors, and because the company is treating them like an employee, is controlling the way in which they do their work, controlling their opportunity for profit or loss. And so in reality, they're entitled to the benefits of an employee. And in the cases that we bring, they're entitled to minimum wage under the law, under the Fair Labor Standards Act, and in some cases, under the state law. So those are the cases that we bring, and it's always really a rewarding experience to work with the truck drivers and hear their stories and really be inspired by their bravery and how much they're willing to stand up for themselves and each other.

Alana Semuels (00:31:17)

I think misclassification is one of the issues that's been around for so long in the trucking industry, but we can talk a little bit later about whether we've made any progress on it. The next panelist also has a lot of experience with misclassification. Mike, we are talking today a lot about over-the-road or long-haul truckers. You work with port truckers, which do something a little bit different, but they also have some similar issues in terms of misclassification. So tell us a little bit about your organization and how it fits into the trucking industry.

Michael Muñoz (00:31:48)

Sure. Hello, everybody. Michael Muñoz. I'm the Research Director for the Los Angeles Alliance for New Economy, and we're a non-profit based here in Los Angeles. And going back to about 2006, 2007, we worked with community environmental groups and with the Teamsters to form a coalition of groups to take on multiple issues that were taking place at the ports of Los Angeles and Long Beach. And so that's really like environmental and economic justice and racial justice. And so the way the campaign worked is that we had organizing goals. We also had policy goals and environmental goals. We wanted to reduce the pollution that surrounds the ports, but we also wanted to get justice for port truck drivers.

And so port truck driving is different in the sense that it's really a short haul - short hauls between the ports of LA and Long Beach and warehouses or rail yards. And so usually, typically drivers will wait for hours at the port terminals before they get inside, and then they make another line to pick up their containers. And remember, these drivers are overwhelmingly misclassified and have been all stated already. They get paid by trip. They don't get paid by the hour. So they can spend anywhere from three to eight hours every single day waiting in lines, waiting in queues.

And so what they'll do is they'll pick up a container and take it usually to one of two places, which is near dock rail sites where the containers will be put on trains and shipped back east, or they'll be taken to local warehouses where they're either sent to distribution centers for local consumption or they're taken to a cross dock or a transloading facility where the goods and sign a container are put into different containers, and then shipped back east. And these trips can be as short as three miles or as long as 90 miles one way, but because they're overwhelmingly misclassified, these drivers have to do at least three trips every single day in order to earn a living in order to make it worth their while. And so that system impacts the drivers, the environment and the communities that surround the warehouses.

Alana Semuels (00:34:15)

So because they're not classified as employees, they don't get paid for that waiting and they don't get paid if they do one trip and it takes 12 hours, for example. Tell us a little bit about how the misclassification ends up affecting their wages or their pay, I guess, and just their lifestyle, or as Steve would call it, their working conditions?

Michael Muñoz (00:34:38)

So right off the top, there was an employer that used to misclassify their drivers. They then, because of the organizing campaign and the legal campaign where drivers filed the class action lawsuit, in talking with us, they basically said it's cheaper to cheat because right off the bat, by misclassifying drivers as independent contractors, you're saving about 25% just on personnel costs. You're not having Social Security, none of that stuff. And then on top of that, you get to push all of the costs or most of the cost of operating a trucking company onto the drivers themselves. So purchasing the truck, insurance, diesel, maintenance, all of that gets paid for by the truck drivers. And our position is that unless we deal with misclassification, which is at the root of it, we're not going to be able to deal with wage theft and the economic exploitation, and we're not going to be able to deal with the environmental issues either. These are all interconnected.

Alana Semuels (00:35:51)

Yeah. So Rebecca, you've done some work on misclassification as you mentioned. Have we seen any strategies that work in courts in trying to get people classified in the correct way?

Rebecca King (00:36:03)

Yes, we have. As Michael was saying, in a lot of these instances, the trucking companies classify drivers as independent contractors, but then treat them like an employee. And under federal law, the test for whether or not someone is an independent contractor or an employee is the Economic Realities Test. And a lot of it comes down to whether or not, how much control does the driver have over the work that they do day to day, as well as their ability for profit or loss. So a lot of these companies we see are making it so that the only loads that a driver can haul are loads that the company offers them from themselves, and that if the driver does want to get a load from another company and maybe broker a load, you need the trucking company's approval or permission to do so. So they're really not operating an independent business here.

So there have been successes in cases proving that drivers are actually employees, even though they've been classified as independent contractors. And as Michael was

saying, they're entitled to benefits and they are entitled to protections of the Fair Labor Standards Act and are owed the minimum wage for all the hours that they worked.

Alana Semuels (00:37:20)

Now, from my understanding, a lot of the misclassification begins with training and with CDL schools, how they set up people to go out into the world to start driving. Steve, can you talk a little bit about that, how CDL mills, as they're sometimes called, lead people to end up being abused as drivers?

Steve Viscelli (00:37:41)

Sure, yeah. There's a very close connection between misclassification and the way that we're training drivers. So the conditions that we've been talking about lead to very high turnover, and often it's between companies, but many workers also come into the industry and go right back out again. It's very hard to get experienced safe drivers to stay in these low-paid difficult jobs. And so what the industry has done is created a set of strategies to recruit huge numbers of workers every year and to train them. And so training contracts are a critical part of this. Companies will advertise widely, promising really good jobs to lure workers into these boot camp-style training programs.

Several 100,000 of them perhaps per year go into these training programs in which they'll spend two to three weeks working at a company facility, and then living out of a truck with a trainer to get the CDL. And then they'll go out, sometimes for additional training of a couple of months driving with a partner, but they will work under a training contract, which will require them to pay back the cost of the training if they don't work for the company for a full year.

Now, what happens in that year is that drivers are typically earning a lot less than they expected, often less than minimum wage, and they begin to look for ways to make more money, perhaps what they expected, and to make the job worthwhile. Most people enter the industry with the intent to stay in it a long time. This is not just walking down the street to get a job to pay the bills for a few months. People are making a serious investment to leave their family and spend that year on the road like we've been talking about with time away from home. And so when they look around and they look for the opportunities that they hoped initially to realize, companies as the workers become dissatisfied, promise them that becoming an owner operator will fulfill those dreams and will give them more control, will allow for more pay.

And so many workers end up in these independent contractor relationships because of that training program pipeline that they entered, which essentially goes from that initial training to a low paid over-the-road job with unsatisfying time away from home and pay, and then into this owner/operator independent contractor status.

Alana Semuels (00:40:25)

And as Desiree mentioned in her remarks, sometimes when you're in that training period, you're working with a trainer who you don't know, you're in close conditions with that trainer. I remember I wrote a story a couple of years ago about a trainee driver who was actually killed by his trainer, but safety is obviously a big issue for the whole industry, and especially in that initial training period. Robin, I'm wondering if you could talk about some of the safety issues you've heard about in the industry and some of the challenges with ensuring safety, both for truck drivers and obviously the people like us who are driving alongside them?

Robin Hutcheson (00:41:01)

Yeah. Well, safety is really the heart of the Federal Motor Carrier Safety Administration. And at its core, the job is to reduce the number of people who die or are involved in any sort of serious accident or crash on the roadway, but it's too limited really. So I want to talk about three ways to think about it; safety, health and security, because they're really distinct and it's all the job. We have to expand beyond people who are dying on the roadways. This is clearly a priority.

So let me just start with that quickly. There are about 43,000 people who die every year on America's roads. And out of that 43,000, there are about 5,800 people who died as a result of some interaction with a commercial motor vehicle, that's including the commercial motor vehicles, drivers as well. And among that 5,800, the next subset is that 800 drivers died. 800 commercial motor vehicle drivers died in a year on the job. And I can't think of another place in America where we would accept those kinds of numbers in the workplace.

And it's extremely sobering when you realize that the safety net isn't there in this job the way that it is for jobs in America. I could spend the next 90 minutes talking about this, but I want to leave that with you. The 800 drivers a year, time. There's a tendency to want to blame the driver, the truck driver or the bus driver, but really, it's for all kinds of

reasons. And sometimes they're found at fault and many times they're not. So it's a big number and it's a big problem and drivers should not face that kind of risk.

Two, I want to talk about health. It does relate to safety, but it is distinct, especially long-haul truckers, and Steve and I talked about this and he writes about it in his book, when they're on the road, first of all, they're sitting, they have a higher rate of obesity, cardiovascular disease, musculoskeletal problems, sleep disorders, diabetes, truck drivers have higher rates of all of these issues. And you peel back on why? Well, sitting for long periods of time, odd sleep schedules for weeks on end, lack of access to healthy food. A trucker at a truck stop is getting what they get. Many truckers will bring their own food, some don't. Many don't, and there just is not access to healthy foods or healthy lifestyle. Truck stops need to change. Truck parking needs to expand, giving drivers the appropriate place to rest, more rest and more amenities that help them lead a good life when they do need to stop and rest.

Okay. Lastly, security. And this is where we really are focused and still are focused on the security of women truck drivers, thinking about both training, issuing new guidance, working on, when I left new regulation, to require sexual assault training in the trucking industry. And also, for women who are out on the road, simple things like more truck parking, better places to rest, more secure places to rest, simple as lighting. I hope that these efforts continue on even after some of my colleagues, some who are still there working on it and some who have moved on. These are all part of rounding out what makes this a doable job and a humane job for really anyone, women included who want to do the job.

Alana Semuels (00:45:15)

I think that's a really helpful overview of all the many issues that truckers face-

Robin Hutcheson (00:45:22)

All of that. There's more. We just don't have enough time.

Alana Semuels (00:45:23)

Well, that's what I was going to ask, actually. Before we move on to solutions, are there major issues with the trucking industry and how jobs are constructed that we haven't talked about yet that anyone wants to bring up?

Rebecca King (00:45:36)

I could just say briefly. One thing that we have not really talked about a lot yet is the federal regulation, the Truth and Leasing Act. So a lot of the cases that we handle where the drivers are misclassified as independent contractors, they're being paid on a percentage basis. So the company says, "You haul load, I'll pay you 70% of the gross revenue for the load." And there is a federal regulation called the Truth and Leasing Act, which requires that when truck drivers are being paid on a percentage basis of the load and they're leasing a truck to the company, that the trucking company is supposed to provide the driver with a copy of the rated freight bill, or basically just the bill that they give the customer so that the driver can verify that they are actually being paid correctly and that the company isn't skimming any money off the top before they pay the driver the percentage.

And we've just heard from driver after driver that this is just not happening in the industry, and companies are not providing drivers with these bills to verify their pay, and it's just another way in which drivers are being cheated.

Alana Semuels (00:46:53)

Why do drivers have so little leverage to push back against that?

Rebecca King (00:46:58)

Drivers can try. We've had our clients tell us that they'll contact their dispatcher, their driver manager, and ask for copies. And if the company says, "No, we're not giving that to you," they don't really have much to do. We've brought claims under the Truth and Leasing Act to recover those wages that they should have been paid if they had received a copy of the rated freight bill. But besides bringing a suit in court, there's not much else they can do when they ask and the driver manager says, "No."

Alana Semuels (00:47:30)

Presumably for every driver who brings a suit in court, there are dozens or hundreds or thousands of others who aren't getting their issues remedied.

Rebecca King (00:47:38)

Correct.

Alana Semuels (00:47:39)

Well, let's move on to something a little less depressing, which is solutions or potential solutions. Mike, I want to start with you because California, LAANE helped pass AB5, a fairly interesting misclassification law in California that I believe aimed to make it a little harder to misclassify employees. Have we seen any change in the state with misclassification since AB5 was passed?

Alana Semuels (00:48:03)

... change in the state with misclassifications since AB5 was passed.

Michael Muñoz (00:48:05)

So it's sort of a long roundabout way, but I just wanted to explain the reason why AB5 was so important is because if anybody's ever tried to organize independent contractors you know that it's not allowed by law. They cannot organize into a union. And because these drivers are misclassified, we have to go about a longer process where these drivers have to be determined by the NLRB to actually be employees. And then there's another process where there's a union election. And so the longer we wait in an organizing campaign, the longer the attrition is, and people move on. And so it makes it really difficult. There's multiple hurdles.

And so, one of the things about misclassification is that we've always used the Borrello test in the past and it's a much larger, longer complicated process to prove that somebody is an employee. And AB5 was an attempt really to encapsulate a much simpler process that state agencies can use to determine whether or not somebody is an employee or in fact an independent contractor. And so I think the important thing is that really what AB5 does is its instructions to different agencies like the EDD here in California or the Division of Labor Standards Enforcement, it did not lead to massive investigations and audits of different trucking companies, right?

An individual driver still has to file a claim with one of these agencies saying that they've been misclassified and that there's been wage theft. And then the agency will use the ABC standard that's created by AB5, they will use that to determine whether or not the person is an employee or an independent contractor. And the trucking industry fought it tooth and nail and also the organization that represents owner operators. And at every turn it's sort of been found to be constitutional and it's now the law in California,

but again, it hasn't led to massive reclassification of misclassified drivers. It's just another tool that advocates can use when we're fighting this really uphill battle.

Alana Semuels (00:50:50)

So let's talk about the federal level a little bit. Robin, I know the Biden administration created an initiative to really try to address some of the issues in the trucking industry. Can you tell us a little bit about that and what it was like to try to bring forward new regulations in basically today's political environment?

Robin Hutcheson (00:51:12)

Well, bringing forward new regulations shocked me at the level of effort that it takes, and it is my hope that some of the ongoing regulations will live and keep going because regulation and legislation both are two tools and they both take up very long time.

I am proud of the work that we did in our time there. I think because of COVID and the supply chain crisis, trucking quickly became a focus of the administration and definitely a focus of the USDOT and for sure a focus of Secretary Pete Buttigieg. Some of what we did was mandated by the IIJA. People are really focused on money and there's a lot of policy and requirements in there as well. One of them was establishing a Women of Trucking Advisory Board, which was eye-opening to me. And there were tough conversations and real conversations about sexual assault that just personally speaking, gave me the mission to daylight it from the federal government to talk about it openly.

Another was the Truck Leasing Task Force that assembled, and I think Desiree was on the Women of Trucking Advisory board and Steve is on the task force and there's people in this room who were hugely impactful to the work. And again, identifying the problems, creating a roadmap to solve the problems, reinforcing this idea that I had that FMCSA job was not just to catch bad people doing bad things, it is to catch bad people doing bad things for sure, but it is also to go to the root of the problem that creates unsafe conditions and instability. And that brings us to things like the WOTAB and the TLTF as we like to call them.

But there's more things that we did even beyond the action plan that focused on some of the systems that have broken down over time. Just for example, fraud is a huge issue and drivers experience it in so many ways, and that can be traced back to a pretty outdated registration system. That is the top three initiatives of the FMCSA, which helps

reduce fraud, improve the working conditions, and is one of those root issues and root factors.

There are other ties to work that we didn't previously do or consider in the way that we needed to on detention time and compensation structures. And those are ongoing now and they're hosted by the Transportation Research Board, which is a part of the National Academy of Sciences. And I think that these elevated initiatives will help round out again, the picture of why this can be for many such a difficult job, which creates the turnover that we see, which diminishes our safety because the longest serving drivers are the safest on the road and destabilizes our supply chain.

So I think the Biden/Harris administration did a lot to recognize the gravity of the problem, its impact on people's lives, the impact on the supply chain, shine a big spotlight on it, tell various agencies to get to work doing many different things, and it is my sincere hope that this work will continue.

Alana Semuels (00:54:57)

Well, Steve, like Robin said, you've served on some of these advisory committees. So I'm wondering if you could talk a little bit about some of the policy solutions or other solutions that you've come away with or you and your groups have come away with addressing some of these problems in the trucking industry.

Steve Viscelli (00:55:11)

Yeah, so I'm so proud of the work that I was honored to be a part of. And one of Rebecca's colleagues as well, Lesley Tse, served on that truck leasing task force as well. But I want to thank Robin for your leadership. I think actually big picture, what the Biden/Harris administration was able to do was to really amplify conversations that have been scattered. And Alana, you did some of this with your reporting to draw attention to some of these problems like the driver shortage narrative, which was really just sort of out there unopposed for so long. And then to have someone like Robin and Secretary Buttigieg talk about things like the issues that Desiree was raising of sexual assault and safety for women. To talk about the fact that the driver shortage was not in fact real. To talk about truck leasing scams, that was the first time I think a lot of drivers heard the FMCSA and heard the federal government reflecting their view of things.

I mean before that the American Trucking Associations had largely dominated the public conversation and what a lot of what lawmakers thought and regulators thought

and talked about, they set the terms of the debate. And so the Biden/Harris Trucking Action Plan and all the efforts involved in that, I think were the first time that USDOT and FMCSA has really spoken to drivers about the sort of dirty secrets that every driver knows that no one outside the industry seems to be able to understand clearly. And the industry is opaque about a lot of these things, and the ATA deserves a lot of credit for pulling the covers over a lot of important things.

Truck leasing was one of them. So the Truck Leasing Task Force, which was convened while Robin was leading the FMCSA was this incredibly diverse group of folks from former carrier owners to drivers who had gone through lease purchases themselves. People who actually lease trucks legitimately to drivers, the Teamsters owner-operator independent driver association, attorneys who represent drivers like Rebecca's colleague. And we went out for a year and a half and held public meetings, listened to drivers. We gathered every scrap of data that we could to see the impact of these arrangements. Where carriers were effectively renting a truck to their driver and then deducting all the costs of operating that truck and paying for that truck before the driver could earn any money. What those were and what should be done about it.

And what we heard over and over again were consistent stories of this not working out for drivers, misinformation, control over the drivers that prevented them from being successful. And what we didn't hear, which was the counter argument we hear over and over again and again from the American Trucking Association and some others truck load carrier association, is that these lease purchase agreements where drivers with no down payment and without a credit check can get into a truck and become an independent owner-operator. What we didn't see was any evidence of that.

And we begged and pleaded, and we asked carriers who were running these programs to show us the data. We had a subcommittee which went through court records and looked at the type of cases that Rebecca works on to see if there was any indication of this being an important pathway to small business ownership. And every bit of evidence we came upon suggested that the harms of this were absolutely overwhelming and there was virtually no benefit that we could find from these lease purchase agreements.

And so we submitted the final report, or FMCSA submitted the final report to Congress and to the secretary in January, and our recommendation was that we should have legislative action to simply ban these lease purchase agreements. That motor carriers should not be holding the debt of their driver. There are market mechanisms available

for opportunities for drivers to go out and finance trucks through a third party legitimately. And that in fact, that is the way that drivers can become true independent owners/operators and live that American dream of small business ownership. And these carrier run employer driven debt programs are in fact a hindrance to that entrepreneurship in the trucking industry and not an important avenue.

In understanding that that legislative action, though simple we think, may be a challenge, we have a series of other recommendations for better assessment of these programs, reporting on it, and hopefully some policing of some of the bad actors that we know are out there.

Alana Semuels (01:01:11)

Do you have a sense of what share of people go through these third party more independent leasing programs, and what share are through the type of programs that you signaled might be right for legislation?

Steve Viscelli (01:01:23)

Yeah. No, we don't have really good data on the exact proportions. We did come up with some numbers about the number of drivers affected, and it is certainly tens of thousands of drivers per year are going through these lease purchase programs, many hundreds of thousands over the last decade or so. Now, once we get into the legitimate owner/operators, we have a really big diversity. This is one of the challenges in regulating and understanding the industry is that there's so many different kinds of arrangements out there. And so you have all kinds of products being moved by all kinds of trucks and avenues to get to that.

But we had a representative of one of those leasing companies out there, and it's a challenge for them to explain why it is that they have a credit check or may require a down payment or all of the other things that you might expect if you were to go buy a car. And why is it that that motor carrier who's offering to set the driver up for free and provide them all the work isn't necessarily the best avenue for them to go in.

Alana Semuels (01:02:42)

It sounds like it came away with some real concrete takeaways, which is great. Then there's the legislative, sorry, the litigation route in terms of improving trucking jobs. So Rebecca, talk a little bit about the cases that you've been able to take on. Does the

law provide enough protection for truckers and are there any cases that you want to highlight as being victories and really improving things for truckers?

Rebecca King (01:03:06)

I think to answer your first question, the law does not provide all the remedies that are necessary to make a truck driver whole. In so many instances, the truck drivers that we represent have been really harmed and damaged by these lease purchase programs that, like Steve called them, like these debt programs. When they're out on the road, they're working for weeks at a time, and because the company is deducting all of the business expenses from them, they're working and not even making the minimum wage or maybe at the end of the week owing the company money. And that has long-term impacts that bleed out from just the truck that they're in. Some drivers might've lost their house or it's impacted their home life because they're not able to pay bills at home.

So the cases that we bring on class and collective actions under the Fair Labor Standards Act, while they're worth fighting for and holding employers accountable to pay the minimum wage to their employees, the federal minimum wage right now is \$ 7.25 an hour. So the cost that these drivers have incurred is not going to be made whole by recouping their minimum wage. However, there have been some good advances in the courts, especially regarding what constitutes work hours. So under the Fair Labor Standards Act and a lot of state minimum wage laws, employers, once a truck driver is found to be an employee, they're required to pay the minimum wage for all hours worked. So then the question becomes what are the hours worked? These aren't drivers that are just clocking in and out of a factory, so you have to reconstruct the workday using different points of data. And trucking companies have liked to argue that drivers' hours of service logs are supposed to be what's used to calculate what is work time and what they should owe drivers for minimum wage. So trucking companies will argue only the time that a driver is logged in their hours of service as on duty driving or on duty not driving should be paid compensable time, and that's the only time they're owed minimum wage. And obviously that's such a small portion of a truck driver's day. And a lot of courts throughout the country have rejected that argument and said no, the hours of service logs were never intended to be used to calculate and track work time and compensable work time. So a lot of courts have rejected them, which is a positive action.

Alana Semuels (01:05:55)

Great. Well, I want to open this up to everybody on the panel. We talked a lot about the negatives of the industry and especially with training, but some people might say I still want to be a truck driver, or I want to send a certain person to trucking school. What are some ways to figure out whether the training you're looking at is good training? Whether the company you're working for, the good actors. What advice would you give to someone who either wants to go into trucking still or wants to support someone going into trucking still?

Desiree Wood (01:06:25)

Well, this is Desiree from REAL Women in Trucking, and I would say they should go to a community college program. They should not go to a CDL mill, but that is no guarantee that they're going to move on to a good starter company. They will not be insurable once they graduate from the community college and they're exposed to some recruiters that are limited. There's actually hundreds of companies that will be their starter companies that are self-insured and they have to do a lot of research. There's just no silver bullet for anyone to say this is the best place to go for your starter.

We always tell people to make sure they are not going to be required to do team driving as a phase of training. Because that, like we talked about, is where murder has happened and sexual assault, and it's just an unsupervised, cohabitation, very dangerous sector of driving. So they really need to do a lot of good research to find out what the starter company and that portion takes 35 to 45 days, and then you go on your own truck, that's really not a lot.

Anyway you slice it, they put you out on the road too soon by yourself, but you want to get mountain driving training, you want to get summer driving training. You want to be able to ask as many questions as possible and get through that first critical year because you are not insurable. So we see a lot of people, they'll do the community college route, they got some good basic training, they go to a starter company, it's a bad choice. They want to leave there, go somewhere else, and now nobody will hire them because they say you don't have enough experience to be insurable, you can't get a local job, because you're not insurable. Now they have a useless CDL.

So it's critical. They make very good choices for the entire first year or they're out of the system and very well be blacklisted.

Alana Semuels (01:08:31)

Robin, am I correct that there was an effort in the Biden administration to try to recognize some of the better training programs? And if not support them financially, just shine a light on the ones that are doing a good job?

Robin Hutcheson (01:08:46)

I'm going to answer that, but let me back up a second and say that at a very minimum, this is just the baseline. It's not enough. But as a baseline, the training provider needs to be on the formal training provider registry, which there is one. So you actually have to be part of a registry of trainers. There's some fraud within that that we knew about and started to address as it came to light. And there's more enforcement today than there has been on fly-by-night training providers. Drivers should never get their CDL in 24 hours, that's ridiculous. You can't do that.

And I agree with Desiree that there are community colleges with many great programs. What you saw from the Biden administration is an increase in the number of grants and the dollar amount of grants that went to, it was almost always community colleges. To help them focus on bringing more veterans into the driving workforce and to just up the quality of the training.

Desiree Wood (01:10:08)

So I'll just add to that to say that the registry did make some sort of a system that providers had to be listed on. However, it is self-certification so it did open up for a lot of fraud because there's a lot of fraud in this industry period. And there's not a lot of enforcement. The grants, student drivers are an inner industry in trucking. So the grants, the companies, the schools are in line for that money. There's no tighter retention, so it makes it very problematic when we dump a lot of money into this and nobody's saying, we graduated this many people and they are still drivers today, two years later. There's nobody tracking it.

So it's kind of like pouring water in a bucket with holes, in my opinion. And we really need to have more tracking for the money that's getting spent, who's being retained, what's happening to them after the fact, and are they going into good jobs that are sustainable for them?

Steve Viscelli (01:11:21)

I think-

Desiree Wood (01:11:22)

Sorry, go ahead.

Steve Viscelli (01:11:24)

I think this is an area where we have some simple solutions available to us that will become easier with increases in technology. Right now, every motor carrier has to have a number, and every driver has a CDL number. And we should be tracking, very simply, if you're a training facility and you graduate a student, that CDL number should be associated with your training facility. And when you're a motor carrier employing a CDL driver, you're reporting that CDL number to your insurance company every year. And...

Steve Viscelli (01:12:02)

At CDL number to your insurance company every year. And the federal government should be able to collect the data on what CDL numbers are associated with what motor carrier numbers and which training provider numbers. And so we should be able to tell drivers, just like we have truth in lending and truth in leasing, we should have truth in hiring where if you're going to apply to a motor carrier, you can see, oh yeah, they've got a 300% turnover rate. These are basic things that we could do with the data that is already being collected by whatever agencies or insurance companies, et cetera, that motor carriers could easily provide.

Alana Semuels (01:12:43)

Yeah, it's interesting when you think about federal funding for colleges or universities, so much of loans are tied to graduation rates and whether people get a job afterwards. And I think we haven't gotten there yet in the trucking industry, but maybe we will. Steve, I just wanted to follow up with you. Obviously we've talked a little bit about deregulation. There's no getting that cat back in the bag. We're not going to reregulate the trucking industry. Is there a way to enter this industry and end up with a good job right off the bat?

Steve Viscelli (01:13:18)

Well, there's still lots of good trucking jobs out there. As Desiree was saying, it's a gauntlet that workers have to run to get these good jobs. I do think one of the positive shifts that I've seen over the time I've been observing the industry is that better employers are more open to the idea of training. I don't think that we have nearly the opportunities that we need to have. Before what these good employers would do is they'd wait for you to survive the over the road market and then they would hire you, as Desiree was saying, you're not insurable for a while. They'll wait for you to get a year or two under your belt and then they will hire you. Places like Walmart, which is actually a very good employer of truck drivers, they're starting to stand up their own trucking programs.

And this was, again, an initiative that the Biden Harris administration was interested in, registered apprenticeships. And if you can get into a registered apprenticeship, that's really the golden ticket to good jobs. But we have an increasing number of employers who are interested in it, and I hope we can continue to encourage that rather than having people go to these low quality programs with the debt, et cetera, and we need to put pressure on that, right? This idea of a training contract that employers can hold the debt of an employee, I mean, I thought the 13th Amendment forbade that, but apparently it does not apply. Or at least we're not enforcing it. But we need to put additional straws on that camel's back to ensure that good employers who want to do the right thing can get a return on their investment in a worker rather than having to wait for people to run this gauntlet of misinformation and schemes essentially to get them to work for less than they're worth.

Alana Semuels (01:15:13)

Well, it's about time to turn to audience Q&A. We've about 15 minutes left in the program. If you are watching and you have a question, please put it in the chat. And I just want to remind everyone that the voice that you're hearing is Desiree Wood who gave the keynote speech and she's the founder and president of REAL Women in Trucking. So let's turn to the questions. This I think would be for Steve or Michael. Can someone discuss the topic of the inevitable shift to self-driving trucks for interstate trips and other impacts of new technology that we need to consider for workers?

Steve Viscelli (01:15:52)

So I guess I'll start. So I've spent some time studying this, and if anyone's interested, driverlessreport.org, which is a research project that I published a few years ago, actually now, it's now 2018, it was published. And it's held up pretty well. I worked with the technology companies, with the teamsters, with others who were interested in what this technology could mean, how it would impact the workforce, et cetera. These vehicles are going to happen. They're going to exist. They're going to move freight, particularly on the interstate. They will probably take longer than most of the people who are developing them would like.

Drivers are often asked whether or not they support this. People want to know whether drivers are afraid of it. Technology companies think they shouldn't be, that this is going to improve their lives. And I often counter this, or I counter this by saying technological innovation is not new to the trucking industry. We've had 40 years of technology changing the industry. Satellite linked computers, it's not sexy, but probably one of the most important ones is automatic transmissions. Revolutionized the labor market in trucking because now you could open it up to way more, way more people. So we've had 40 years of technology being introduced into the industry and there's not much evidence that any of it has helped drivers and has made the jobs better or better paid or better working conditions for drivers have resulted from it.

If you look at forward collision avoidance, automatic transmissions tracking through satellites, all of these have allowed the industry to descale the job, open up the labor market and pay lower wages and frankly, work people, speed up the job. And so what I would say about this technology is that like any technology and work, the outcomes are not baked into the technology itself. It's really about the intersection of technology, worker power, and policy. If we allow this technology to simply replace drivers and to create really crappy descaled jobs, that's what employers will do with it. They're not going to use self-driving trucks to create more and better paid and better quality trucking jobs. It's really about are workers going to have a say in what this technology does, and is policy going to ensure that the drivers are taken care of. And I'll give you just one quick example, which is right now, drivers are often not paid for the time that they work. If that continues and drivers can be in a truck without being paid, and we had a truck that can only drive on the highway, there's nothing to say that you wouldn't have that driver drive in the local conditions that the truck can't handle, get in the back of the truck on the highway, go quote, "off duty." And then be unpaid while that truck is traveling for 12 hours on the interstate and then come back online working and getting

paid at the end. So that's a policy question. If you can do that and you don't have to have a human-driven truck meet a self-driving truck at the interstate and then another human-driven truck, it's going to be way cheaper to leave that human being in there as a machine tender. Now this is really sweatshops on wheels stuff, right? But that's a policy question. Are we going to guide the implementation of this technology so that it benefits workers so that it makes the roadway safer and increases energy efficiency or not? That's not going to happen on its own. That's a public policy question.

Robin Hutcheson (01:20:08)

I'll just take this from a slightly different angle and that is the safety angle. And I want to say that a lot of people say, "They're coming," but they're here. They're here. I have been in them. I have visited these companies. I've experienced a driverless truck, largely in warm weather states. Texas is kind of where a lot of tests are happening. At one point there were over 140 pilots of self-driving vehicles, self-driving trucks. It was my opinion that it needed some increased regulation for safety and safety first. There is a proposed modified FMCSA regulation that addresses the safety of autonomous vehicles. It's somewhere in the federal government right now, I don't know where. It has not yet seen daylight. And I keep watching for it. I hope that it does see daylight. It was my opinion that additional regulation was needed in this space.

Alana Semuels (01:21:23)

Just want to go to another question. We've talked about the challenges of women drivers today. What are the experiences and challenges of Black drivers or drivers of color and what are the remedies for those challenges?

Michael Muñoz (01:21:35)

So in the ports, it's sort of an interesting mix because the majority of drivers are drivers of color. It's overwhelmingly Latino drivers, but it's to the point where to the exclusion of Black drivers. Most of the companies that operate at the ports of LA and Long Beach, I forget what percentage, I think it's over 70% are six trucks and under, which means it's a really sort of a small company. And because it's who you know, that's who they employ. These little sort of small networks are very insular and they tend to exclude African-American drivers. And so a lot of it is, to be honest, having to question the internalized racism of Latino managers, supervisors, dispatchers. But anecdotally, one thing that I can say is that I've seen a lot more diversity in the employee based

companies that operate at the ports than the misclassified independent contractor companies. The employee companies tend to be just a little bit bigger. And I'm just saying anecdotally, I have seen these employee based companies, both union and non-union, be a little bit more sort of diverse than other companies.

Alana Semuels (01:23:17)

Just a quick follow up, another question is related in terms of it's about underrepresented communities in trucking and it's from someone who gets calls from truckers working for smaller businesses that are in kind of unclear relationships with the business. But a lot of them are immigrants with limited English proficiency. And the person asking the question is wondering, is there anywhere these workers can go for help? DOL apparently doesn't seem very interested in dealing with those cases. Where can this person send these types of workers if they need more assistance?

Desiree Wood (01:23:56)

I have a comment on just about everything you guys just talked about. I've just been trying to bite my tongue. It's very difficult right now for drivers because trucking is really diverse, but the more that these companies can exploit you, and that includes immigrant drivers, they will. We have a lot of people who were formerly incarcerated. We have a lot of women that are dislocated workers or from domestic violence and immigrants. And we know that a lot of immigrants are being abused. They're being asked, coerced, badgered to run illegal drives - 16 hours a day. We've tried to get some of them to come forward, but there isn't anybody that wants to help them, especially with what's going on right now with the administration.

I don't know anyone to help them not get deported. There's difficulties with non-English speaking CDL holders understanding signage and a lot of them have not been taught the regulations. I've encountered drivers that were taught to drive in two days and they were taught only to drive straight. And if they drive 11 hours, they're told to pull over on the side of the road, call a number, and they'll get more refreshed hours to keep driving. We have foreign influence in our supply chain. There is no enforcement going on. We call this a ghost driver on the ELD. So it really has turned into the Wild West. Nobody's really paying attention to this problem and it's a big problem.

I wish that there was a way that we could help these drivers. Because I've had some of my members encounter a young lady recently who was just frazzled out of her mind

and had her visa hanging over her head. Labor trafficking is happening in trucking and people need to start paying attention to this industry. And they need to understand that this federal agency is understaffed and there's not near enough going on to help the drivers, foreign or domestic. And I do want to say something about the autonomous. We have a couple members that have been safety drivers and they say they would not leave that truck unsupervised for one second and they certainly would never sleep while it was operating.

And wages are a big thing. You're taking the fun part of the job away from the driver and asking them to do the part of the job where they don't get compensated by time. They're getting paid by the mile and there's insurance implications. If the thing crashes, who's responsible, the software developer, the truck operator, the sensor manufacturer? So there's all kinds of things that still need to be thought out. And then of course the drivers would like to know, am I going to be part of one of these retraining programs because I know this job and have a lot to offer this industry, still. So that's my 25 cents.

Alana Semuels (01:27:28)

Thank you Desiree. We probably have time for one more really quick question and I will direct this at Steve because I think he is like an encyclopedia for the trucking industry. A good one, not the old-fashioned kind. The question is, we are a micro lender. Many of our borrowers are truckers who get a loan to purchase their own truck and be an owner operator. What tools, information, education, can we give these trucker borrowers to empower them to deal with the challenges they face? Anywhere they can turn?

Steve Viscelli (01:27:55)

Oh, that's not a softball. That is really tough. I don't know. I would open it up to others as well. I don't think there's kind of a one stop place to go. I cast my net as widely as I can to learn about the industry. I think that other drivers are often your best source of information. When it comes to going the independent route. Of course there's O69OIDA, which provides a lot of information and services to drivers.

Alana Semuels (01:28:36)

And that's the owner operators, independent drivers, independent drivers-

Steve Viscelli (01:28:39)

Independent driver association. But I would ask Desiree. Desiree, what? What would you recommend?

Desiree Wood (01:28:45)

Well, I would make sure that they're not taking that truck to go lease on to someplace that says they have freight and they don't have freight. And the freight market is bad and has been bad for some time. There's a lot of broker transparency issues since the pandemic. We don't know for sure how much of the freight rate is being skimmed from the brokers and we suspect it's nearly 50% or more. So if the company that they lease onto is chopping out of some of that profit, that can leave the driver in just as much peril. They should really know how to book their own freight and negotiate their rate really well.

There are a lot of driver influencers that have titled themselves, but they really don't know a lot about it. The market's very challenging right now. If they can get on somewhere with contract freight. I know one truck company that does trucks, sells trucks and they do a credit check and they have a list that they maintain. And so when the driver comes to get a truck from them and they do their credit checking and go through financing, they want to know who they're going to take that truck to lease onto. And if it's not on their preferred list, they're not going to approve the application because they want to know the driver is going to be profitable and be able to make the truck payment. They don't want to set them up to fail. And that's critically important where that truck is going to be getting the freight so that the driver can make the payment and keep the truck operating in a safe manner.

Alana Semuels (01:30:31)

Thanks, Desiree. I think we're just about at time, so I'm going to kick it back to Matt for some closing remarks. But thank you all so much for all your wisdom on today's panel.

Matt Helmer (01:30:42)

Yeah, just echoing that. Thank you so much to Steve, to Mike, to Robin, to Desiree, and Rebecca. Just a really engaging and informative conversation, albeit a sobering one. But there are some positive things to think about in terms of solutions and policies and

legislation that might help us get back on a positive track with how we treat workers, treat truck drivers, and how we compensate them.

And thank you so much to Alana for doing a wonderful job moderating to today's conversation. Thank you to the audience for your questions, for your comments. We appreciate you being here. Just a couple of upcoming events. April 9th and 10th, we have our employee ownership ideas forum. There's still space virtually to attend that. And then on April 30th, we're going to have another event that's called Working and Homeless in America, a book talk with Brian Goldstone. A huge thank you to my team, Maxwell Johnson, who played a great key role in supporting today's event and shaping it. Big thanks as always to our comms teams of Nora, Francis and Tony, thanks to Colleen and Seenan, to Architects for all their support on the production of today's event. And as always, thanks to our executive director Maureen Conway for her leadership on this series. We'll see you next time. Thank you so much.