

Driver Delays: Somebody Has to Pay

Among the many existing and emerging industry issues in the trucking industry is "detention time" and who (if anyone) should be responsible for ensuring that the driver is compensated for "time on the clock" while the wheels are not rolling. Some think the government should legislate this issue and instigate mandatory charges to the Shipper or Consignee when drivers are delayed beyond the "free time" (industry standard 2 hrs). Others believe it is the Carriers responsibility to assess these charges.

Check out the article below by Jim Park to find out his view....and find out Melton's position at the end of the article.

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"On the Road" blog by Jim Park, Equipment Editor

HEAVY DUTY TRUCKING MAGAZINE

The American Trucking Associations [released a statement Wednesday](#) saying it would not support regulating driver detention times as proposed in HR 756, [a bill recently introduced by U.S. Rep. Peter DeFazio, D-OR.](#)

I concur. I don't believe regulation is a suitable way to resolve this issue.

So, ATA, do you have a better idea?

ATA Chairman Barbara Windsor said in the release that "Federal regulation in this area would directly affect shipping rates and would significantly change the playing field for carriers and shippers."

That, Madam Chair, is precisely the point.

Carriers, for obvious reasons, have been reluctant to hold their customers' feet to the fire and demand compensation for waiting time. They would appear to prefer burning their employees to possibly turning off customers -- even though the customer is the source of the problem.

In the days when drivers were a dime a dozen, that might have been a fiscally (if not morally) prudent decision. I'd argue that those days are over. In the face of what's predicted to be a record driver shortage, trucking will not attract new blood when drivers are forced to be on duty without pay.

The Defazio bill seeks to prohibit shippers and receivers from detaining drivers without providing reasonable compensation for that time.

Uncompensated delay time has been one of the Top 5 driver complaints ever since deregulation, but in the brave new world of electronic logs, the complaints could turn into empty seats. When all those wasted hours hit line four of an electronic log, there will be no denying the extent of the problem -- and drivers will no longer be able to recover that lost earning potential with a little creative logging.

I'm afraid, Madam Chair, that when drivers see their paychecks shrink because shippers or receivers keep them cooling their (unpaid) heels for three or four hours several times a week, there will be a stampede for the door.

When you get your EOBRs, there'll no longer be any reason for fleets or shippers to dispute drivers' claims of time spent at the dock, and it should be compensated. When the wheels stop, the clock has to start.

The ATA release went on to quote ATA First Vice Chairman Dan England, chairman and president of Salt Lake City-based C.R. England, saying, "No carrier wants to see our drivers' time wasted. However, this is not an issue that can be handled with a 'one-size, fits all' regulation and as a result is best addressed in contractual agreements between carriers and shippers."

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Well, Mr. England -- and for the record, I agree with you -- it would seem that if carriers are not prepared to place a greater value on their drivers' time, higher powers just might be. I'll be waiting to see some changes to the aforementioned contractual agreements between shippers and carriers.

Carriers, it's time to put your money where your mouth is.

Mr. Park does an admirable job in succinctly laying out the issue and ramifications in the above article. Melton Truck Lines agrees with Mr. Park and supports the ATA's position that detention delays should be addressed in the contracts between carriers and shippers - not via legislation. Frankly, legislation (CSA, HOS, EPA, DOT) is already creating enough challenges for carriers and shippers.

Historically, carriers have undervalued the axiom that "time is money" with the trucking view that "miles are money". The fact is - both are true. The difference now is that the new CSA measurements and proposed HOS revisions coupled with Electronic On Board Recorders have raised the importance of TIME to an all new level. Carriers are having a tough enough challenge finding, hiring, and retaining drivers. Drivers cannot afford to burn up their 14 hour clock without being adequately compensated. Carriers cannot afford to let their equipment sit idle (excessive waiting to load/unload) and not generate revenue.

We agree that if carriers feel strongly enough about this issue, they will insist that provisions be made to address detention in their agreements with customers. If a customer does not place the same value on driver time as does the carrier, then it is the carrier's option to assign trucks elsewhere. The industry does not need legislators to address this issue. All that is needed is for carriers and shippers to value driver time and act accordingly.

If you have any questions or comments, please feel free to contact your Melton representative or me.

Best regards,



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