

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION**

**OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.
PETITION FOR EXTENSION OF TIME TO COMMENT
IN RESPONSE TO A NOTICE OF PROPOSED RULEMAKING;
COMMERCIAL DRIVER'S LICENSE
DRUG AND ALCOHOL CLEARINGHOUSE**

Docket No. FMCSA-2010-0031

*Petition is being filed in docket FMCSA-2010-0031 and hand delivered in duplicate to:
Anne Ferro, Administrator, Federal Motor Carrier Safety Administration,
1200 New Jersey Ave., SE, Washington, DC 20590-0001*

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April 15, 2014

I. THE SUBJECT OF THE PETITION

Under 49 C.F.R. Sections 389.19, OOIDA respectfully requests that the Federal Motor Carrier Safety Administration extend by 60 days the April 21, 2014, deadline to submit comments to the Notice of Proposed Rulemaking (“Notice” or “NPRM”) entitled “Commercial Driver’s License Drug and Alcohol Clearinghouse published by the Federal Motor Carrier Safety Administration, (“FMCSA” or “Agency”), Docket No. FMCSA-2010-0031, 79 Fed. Reg. 9703 (February 20, 2014).

Under 49 C.F.R. Section 389.31, this Petition is being filed in the docket FMCSA-2010-0031 and hand delivered in duplicate to: Anne Ferro, Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE, Washington, DC 20590-0001.

II. GOOD CAUSE EXISTS TO EXTEND THE DEADLINE

Good cause exists to support an extension of the public comment period. This is a complex and important rulemaking. OOIDA requests a longer than the typical comment period to draft detailed and thoughtful comments on the wide range of responsibilities, duties and functions, both governmental and private, to be governed by the propose rule. This rulemaking concerns the dissemination of information that can have a direct bearing on a commercial motor vehicle drivers’ ability to operate safely on our highways. It governs not only drivers who must follow drug testing rules, but also the institutions that manage and conduct the federal drug testing scheme and the users who now, or will under the rule, avail themselves of driver drug testing results information. OOIDA’s comments represent each of these interests and will require additional time to complete.

For its 12,430 of its members, OOIDA’s CMCI runs a drug testing consortium that helps individuals and small multi-truck businesses with their own federal operating authority keep

themselves and their drivers in compliance with these rules. The proposed rules would govern how CMCI would be required to manage and report drug testing results information. CMCI has every interest that the new rules be as efficient and effective as possible.

OOIDA members include small businesses motor carriers operating several trucks under their own federal authority. The proposed clearinghouse will help them conduct their safety management duties but also place new requirements upon them.

Finally, the business needs of CMCI and OOIDA members are in no way mutually exclusive. The primary interest of OOIDA is on behalf of its members to ensure that drug test results are accurate and only disclosed to the parties with a legitimate interest in them. Positive drug test results or reports of a refusal to submit to a drug test are appropriately intended to affect a driver's employability and future career. The proposed clearinghouse system must be constructed in a way that promotes accuracy, permits prompt correction of incorrect or misleading drug testing information, and that prohibits or prevents the malicious submission and reporting of inaccurate information.

On a similar note, as a participant in the Commercial Motor Vehicle Safety Alliance's spring conference and workshop last week, OOIDA learned that the American Trucking Associations wishes to propose additional functionality to the rule to provide motor carriers and some state officials with greater access to drug testing information, and to allow motor carriers to directly report observations or admissions of driver drug use directly to the proposed clearinghouse. ATA's substantive interests might have merit, but OOIDA is not certain that the solutions ATA outlined broadly at that conference would fairly protect the legitimate interests of drivers. More time and public comment would be necessary to review and to thoughtfully respond to ATA's proposal during the comment period.

Finally, although not insignificantly, the due date for comments to this rulemaking, Monday April 21, immediately and inconveniently follows a week of religious observances and holidays (Easter week and Passover), spring break for the children of OOIDA employees and its representatives, and the week containing federal tax return deadline (April 15).

For all of these reasons, OOIDA believes there is good cause to request additional time of 60 days to file considered and detailed comments that would allow FMCSA to achieve the goals of the proposed rule in a manner that maximizes efficiency of the system and minimized unintended negative consequences upon drivers.

III. INTEREST OF THE OWNER-OPERATOR INDEPENDENT DRIVER ASSOCIATION

OOIDA is a not-for-profit corporation incorporated in 1973 under the laws of the State of Missouri, with its principal place of business in Grain Valley, Missouri. OOIDA is the largest international trade association representing the interests of independent owner-operators, small-business motor carriers, and professional drivers. The approximately 150,000 members of OOIDA are professional drivers and small-business men and women located in all 50 states and Canada who collectively own and operate more than 200,000 individual heavy-duty trucks. Single-truck motor carriers represent nearly half of the total of active motor carriers operated in the United States. The mailing address of the Association is:

Owner-Operator Independent Drivers Association, Inc.
P.O. Box 1000
1 NW OOIDA Drive
Grain Valley, Missouri 64029
www.ooida.com

The Association actively promotes the views of professional drivers and small-business truckers through its interaction with state and federal government agencies, legislatures, courts, other trade associations, and private businesses to advance an equitable and safe environment for

commercial drivers, including those with their own federal motor carrier operating authority. OOIDA is active in all aspects of highway safety and transportation policy, and represents the positions of professional drivers and small-business truckers in numerous committees and various forums on the local, state, national, and international levels. OOIDA's mission includes the promotion and protection of the interests of independent truckers on any issue which might touch on their economic well-being, their working conditions, or the safe operation of their motor vehicles on the nation's highways. The drug testing of drivers and the use of information related to the results of such drug testing have a direct and immediate impact upon OOIDA members and the services that OOIDA provides to its members.

IV. CONCLUSION

Given the complexity of the propose rule, the multitude of various interests in the proposed rule, and the timing of the due date for comments on the calendar, OOIDA requests under 49 C.F.R § 389.19 that the comment period for the rulemaking be extended by 60 days.

Respectfully submitted,

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