

From Kings of the Road to Serfs of the Company

How deregulation has left truck drivers in the dust.

BY DAN LA BOTZ

THE TRUCK DRIVER WAS ONCE THE KING OF THE ROAD, RIDING high from the 1950s through the 1970s. Sitting up in the tractor, pulling an eighteen-wheeler, looking out over America's city streets and country roads and highways, he—back then, the driver was almost always a he—earned good money, often had health benefits, and may well have had a pension plan. Hank Williams and Johnny Cash came in loud and clear over the radio, and the driver could see in his mind's eye the truck stop, cup of coffee, and slice of apple pie down the road. True, the hours were long and the work sometimes dangerous and unhealthy, but by and large, trucking was considered a good occupation. That was especially true for those drivers, nearly half a million, who were members of the International Brotherhood of Teamsters (IBT), covered by its freight contract, and who had enough seniority to protect them from layoffs in down times.

Trucking became the stuff of song and story, of legend. Dave Dudley's wonderful "Six Days on the Road"—the story of a truck driver who is a little overweight, way behind schedule, popping pills, and passing everything in sight, but happy because he's "gonna make it home tonight"—became a top hit in 1963. (Even better was the 1968 black blues version of the song by Taj Mahal—at a time when both employers and the union excluded African Americans from jobs as drivers.) A decade later C.W. McCall's song "Convoy" told the story of a mythical truck driver rebellion against the 55-mile per hour speed limit, a tale not so different from the real truckers' shutdown of 1974 over rising oil prices. "Convoy" became the number-one song in 1976 and later a bad movie. Truck drivers, popular culture told us, were lovers and fighters, independent working men in the mythic tradition of the pioneers and the cowpunchers. The romance of the road called to young men who sometimes spent a lifetime working for themselves or for the trucking company and retired with a company pin, a union pension, and nostalgia for their days behind the wheel. >>



Teamster-supported port drivers who haul goods for Walmart, picketing their employer, Green Fleet Systems, at the Port of Los Angeles in November 2013.

Credit: International Brotherhood of Teamsters

TRUCKER SERFS

Even back then, there were some serious problems in the trucking business. With recessions in 1975 and again in 1979, the companies began to press for higher productivity. With unemployment high, workers were reluctant to strike. The Teamsters fell under the control of a string of leaders—Frank Fitzsimmons, Jackie Presser, and Roy Williams—who had led the union into subservi-



Striking Teamsters battle police during the Minneapolis Teamsters strike of 1934, which led to a general strike.

Credit: National Archives and Records Administration

ence to Richard Nixon, the mafia, and the FBI. Presser, whom the *New York Times* called a “Teamster union leader, lackey of the mob, Presidential adviser and top-level Government informer,” collaborated with employers while ignoring the needs of rank-and-file union members. The rank-and-file of the 1970s rebelled, carried out wildcat strikes and organized Teamsters for a Democratic Union (TDU), and began a long battle for reform with some success. All these problems and conflicts notwithstanding, until 1980, working in the trucking industry meant a steady job, relatively high pay, and good benefits for hundreds of thousands of American workers.

Those were the days—and they are long over.

“The trucking industry is going to hell in a hand basket.” That’s what Ben Sizemore, a truck driver for over 35 years, told *Dollars & Sense*. Sizemore is a member of Teamster Local 407 in Cleveland, Ohio—he’s one of the lucky ones who still has a union. “The laws have changed in favor of the corporations, and they’re putting more of a burden on the driver. The employers today are

trying to get more out of you for less. We have gone backwards in wages.” Industry experts say that trucking workers’ real wages have been driven back to the early 1950s, before there was a national freight contract.

When they don’t have a labor union to represent them, drivers not only have low wages, but also work long hours—some of them unpaid. They often deal with difficult working conditions and face significant health and safety issues. Some of the jobs are so bad and pay so little that employers have a hard time filling the seats, with a turnover rate of more than 100% per year among large truck-load firms. If once they were kings of the road, today most truck drivers are serfs toiling on the vast corporate estate we call America. How did this happen? Where are we today? And what are the prospects for the future?

The Great Depression Leads to Regulation

Truck transportation, replacing horse teams and wagons and supplementing the railroads, only really got rolling in the 1920s—just in time for the Great Crash of 1929 and the Great Depression. With 25% of the population unemployed, anyone and his brother modified their Model Ts, putting a box on the back, and went into the business, leading to fierce competition in local drayage (short-distance) as well as long-haul (intercity) trucking. Cutthroat competition led to the collapse of scores of trucking companies, forced down workers’ wages, and made it difficult for shippers to find reliable service. Trucking was a mess.

In response, Congress passed and President Franklin D. Roosevelt signed the Motor Carrier Act of 1935, which regulated the trucking industry’s routes and rates, while making it difficult for new companies to enter the business—thus ending the cutthroat competition that had prevailed earlier. The industry was more or less frozen in time as a collection of local cartage companies and regional carriers who moved freight through interline shipments; that is, breaking down and reassembling shipments, passing a barrel or a box from one company to another until it reached its final destination. The result was a government-supervised oligopoly, a legal cartel, but it brought an end to the chaos that the Depression had wrought on the industry.

At the same time the Teamsters succeeded in organizing both city and long-haul drivers in the

East, Midwest, and West Coast, winning contracts that provided standard wages, hours, and conditions in numerous cities and even several regions of the country. And Teamsters organized not only the drivers, but also dockworkers and, later, clerical workers, becoming a national, industrial union. When the economy revived as a result of America's entry into World War II, trucking expanded to become a major transportation sector rivaling the railroads. Then, in the late 1950s, Teamster President Jimmy Hoffa began to bring all of the freight hauling companies into what became known as the National Master Freight Agreement. By the 1970s that "pattern agreement" covered 450,000 workers, and influenced—and tended to enhance—contracts covering hundreds of thousands of others.

With the American economy in its prosperous post-war years, the combination of government regulation and union organization created a stable and profitable trucking industry while also making it possible for the companies to pay higher wages and health and pension benefits for workers. We can now see, as economist Thomas Piketty has recently argued, that the "Golden Age"—1940-1970—was an exceptional period in American capitalism. The regulatory system tended to benefit the largest shippers (such as General Motors, Montgomery Ward, and Sears),

and big regional trucking companies, as well as a group of highly paid workers, at the expense of smaller, would-be competitors and the general public to whom costs could be passed on. When that period ended, something had to change. The sun shining, the window open, and the breeze blowing in, truck drivers drove their rigs into the future—unaware of what it was to hold.

The Return of Crisis and Deregulation

The reader may find it surprising that it was Ralph Nader and Ted Kennedy who pushed for deregulation of trucking (along with commercial air travel), setting off the revolution that ended government control of the industry and toppled the Teamsters from the union's stronghold. While Nader and Kennedy initiated the movement, they were part of a broader, bi-partisan consensus in favor of a deregulated economy. When he signed the Motor Carrier Act of 1980, Jimmy Carter promised that it would benefit all the nation's citizens—including labor. But that was not true. For labor it proved a disaster.

The 1980 Act was predicated upon the idea of the free market, removing barriers to the entry of new companies and dismantling regulated routes and rates. The earlier Freight Common Carrier sector now split into two parts: "truck-load" (TL) and "less-than-truck-load." (LTL). Very quickly,

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TRUCKERS' HEALTH PROBLEMS

“Long-haul trucking has been recognized as an occupation that is disproportionately detrimental—when compared to other occupations—to the health, safety, and well-being of drivers.” So argue Yorghos Apostolopoulos, Michael Lemke, and Sevil Sönmez in their recent article “Risks Endemic to Long-Haul Trucking in North America: Strategies to Protect and Promote Driver Well-Being,” published in the environmental and occupational health journal *New Solutions*. “Tractor-trailer drivers function in a work context marked by high physical and psychological workload, erratic schedules, time pressures, disrupted sleep patterns, and resultant ramifications. These stressors have been linked with truckers’ excess cardio-metabolic disease, certain types of cancer, and musculo-skeletal and sleep disorders, along with highway crashes that carry serious repercussions not only for truckers but also for the general population.”

These issues the authors note spill over into society in terms not only of accidents but other social costs. They call for an “Integrated Trucker-Health Protection and Promotion” approach that would focus on: “1) trucking work environment stressors (e.g., lack of healthful workplace resources, mile-based pay, fragmented sleep patterns, team driving); 2) non-work-environment stressors (e.g., absence of social capital and institutional protections, absence of health insurance provision to drivers and their families); and 3) trucker health risk behaviors (e.g., unhealthy diets, lack of exercise).”

While these researchers call for “key stakeholders” to take an interest in this approach which could lead to both greater health and economic efficiency, it seems that for such a program to be successful, workers would need to be fully involved and have a union that they control with the power to make employers and the government treat driver health as the important issue that it is.

says Stephen V. Burks, professor of economics and management at the University of Minnesota in Morris, “companies fled the less-than-truck load freight industry while others flooded the truckload sector.” Existing trucking companies “double breasted”—opened non-union subsidiaries parallel to their existing union operations but paying lower wages, offering fewer benefits, and imposing poorer working conditions. More importantly, thousands of new non-union carriers entered the field. They grew and prospered as union companies collapsed. “The union got slaughtered,” says Burks.

The less-than-truckload (LTL) sector of the industry began to shake out, with hundreds of companies failing. Sadly many of these companies first became Employee Stock Ownership Plan (ESOP) ventures that took truck drivers’ and dock workers’ savings and voluntary wage reductions before finally folding. Today there are about 60 LTL companies, but just a handful such as Conway, YRC Worldwide, Old Dominion, and Arkansas Best Freight (ABF) dominate the industry.

At the same time, other new non-union companies, eventually thousands of them, entered the truckload (TL) freight sector of the industry, where networks of terminals were not required. In fact, one could operate a trucking company with no

terminals at all. Today, many drivers pick up freight at one location—an entire truckload—and deliver it to another. Drivers often go into the warehouse and pick up and load the freight themselves on their own unpaid time. This means that the company owner’s only capital investment is the truck. It also means that there is no fixed base of operations, or one might say, no workplace. Truck drivers go to work all alone, sometimes at a different location every day, and might not have any contact with other drivers except at a truck stop. This makes it extremely difficult for the Teamsters to organize these workers, the great majority of whom remain non-union.

At the time of deregulation, there were perhaps 200,000 “owner-operators,” self-employed drivers who owned their own trucks and worked for truck brokers, trucking companies, or shippers. While at one time the union had organized some owner-operators, by the time of deregulation there were few union members among them. Some of these drivers survived and some went under in the new competitive market, but there are still perhaps 300,000 owner-operators today, almost all non-union.

Finally there is the package sector—the government calls them “couriers”—which requires enormous capital for extensive networks of terminals and equipment. It became reduced to just three large corporations: United Parcel Service (UPS),

DRIVERS STRIKE L.A.-LONG BEACH, COUNTRY’S LARGEST PORT, FOR FIVE DAYS

Workers associated with Justice for Port Drivers, a Teamster-backed group, struck at the adjoining ports of Los Angeles and Long Beach on Monday, July 7. The picket lines, at the largest seaport in the United States, handling most of the enormous trade from China, lasted for five days. The 120 drivers employed by Total Transportation Services Inc., Green Fleet Systems, and Pacific 9 were demanding to be treated as wage-earners rather than as independent contractors.

This was one of a series of small “demonstration strikes” calling attention to port truckers’ issues, though this one had a larger impact than the others. The drivers picketed at four terminals, taking advantage of the fact that the contract between the Pacific Maritime Association (PMA), which represents shipping companies, and the International Longshore and Warehouse Union (ILWU), which represents all West Coast stevedores, had expired and negotiations were ongoing. With no PMA-ILWU contract in force, on their own initiative some ILWU members joined the picket line, at least at first. Their action briefly paralyzed Evergreen, APL, and Yusen terminals in Los Angeles and the Long Beach Container Terminal.

After a labor arbitrator ruled that the strike was not legitimate, employers and the union informed ILWU members that they had to return to work—breaking a long tradition of ILWU workers honoring others’ picket lines. Los Angeles Mayor Eric Garcetti then intervened, holding a meeting with the port drivers who agreed to a “five-day cooling off period.” The small strike had an equally slight impact on the movement of freight at the port, but it showed the drivers continued commitment to win their status as wage-earners.

Federal Express (FedEx), and the United States Postal Service (USPS). (I have not discussed here the private carriers such as Coca Cola and Pepsi Cola, firms with over a thousand trucks and drivers but not part of the for-hire industry.)

Where Is the Industry and Where Are the Drivers Today?

What was the overall impact of deregulation? "It was effective at its goal," says Ken Paff, the national organizer of Teamsters for a Democratic Union (TDU), a reform group within the Teamsters union. "It drove down costs. The mainstream economists would say it became 'more efficient.' The biggest change was driving down labor costs, because the biggest bill is labor. Fuel is second. Trucks may be third. So that's how costs were driven down by deregulation: by cutting wages."

While the drivers' wages declined, the trucking companies have, by and large, done well. The total tonnage of freight being shipped by truck is up, the best year since 1998. Total trucking industry revenues for 2013, reports the *Journal of Commerce*, rose to \$106.6 billion. UPS, the largest, had revenue of \$25.6 billion, FedEx \$15.4 billion, J.B. Hunt (the leading truck-load carrier), \$5.0 billion, and YRC (the leading less-than-truck-load carrier), \$4.8 billion. The average profit margin last year, according to *Forbes*, was 6%, compared to 3% to 4% in recent years. In terms of return on investment, profits are even higher. UPS, for example, had a return on investment of 14.62% in the first quarter of 2014, while its five-year return on investment through 2013 was 15.03%.

What did deregulation mean for the Teamsters and their historic freight contract that once covered 450,000 workers? Paff says, "There is no Master Freight Agreement today." Today the freight contract covers only about 35,000 workers, while the related UPS freight contract covers 13,000, and the carhaul (auto transporter) contract covers 7,000. UPS also has 250,000 package car drivers and loaders under union contract, though many of the warehouse workers are part-timers. DHL has 2,000 union workers. Most long-haul freight drivers today have no union and no collective bargaining agreement—and their wages reflect that.

Some experts put the number of unorganized over-the-road drivers at about 800,000, though just how many truck drivers there are is a matter of great debate among the experts. According to the U.S. Bureau of Labor Statistics (BLS), there are

about three million truck drivers in the United States. Of these, 1.7 million drive tractor trailers, while another 1.3 million or so drive box-style delivery trucks. The tractor drivers earn an average of \$18.37 an hour or \$38,200 a year for full-time work, says the BLS, while delivery truck drivers average \$13.23 per hour or \$27,530 per year.

What these statistics don't reveal is one of the biggest problems of truck drivers today: unpaid work. Under current safety regulations governing over-the-road truck drivers, drivers cannot drive more than eleven hours per day or work more than fourteen hours per day. What this means in practice is that drivers who are paid by the trip or the load—not by the hour—may spend anywhere from a half hour to several hours in a day either waiting in line at a warehouse or working loading the truck for no pay at all. The jobs in the truck-

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load freight sector are so demanding and poorly paid that, according to the American Trucking Associations, companies have a nearly 100% turnover rate; that is, each year the company must hire the equivalent of an entire workforce. Companies complain that they can't even fill the seats, much less find enough well-qualified drives.

Michael Belzer, author of *Sweatshops on Wheels: Winners and Losers in Trucking Deregulation*, believes that the biggest reason for the tremendous turnover is unpaid working time. "You need to pay people," says Belzer. "The problem is economic. The driver shortage is not because people are sitting around collecting unemployment or welfare. The problem is that the job is now comparable to fast food or Walmart or ditch digger work. My solution is to pay people a decent living."

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Belzer argues that because the companies don't pay workers for delays or non-driving work, there is an enormous loss of efficiency in the national economy while at the same time workers lose out in terms of wages. The answer, he says, is to combine full recording of all hours worked in "electronic logs" or "electronic on-board recorders" (EOBR), technology already produced by a variety of companies, and paying at least the minimum wage for what are currently unpaid hours. The result, he says, would be an increase in the efficiency of the economy and an increase in workers' wages, which would also make it possible to reduce

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driver turnover. Belzer confesses that while some large employers see the benefit in such an arrangement, there does not now exist the constellation of forces in government, society, and the industry to bring about such a limited re-regulation.

Port Drivers: A Return to Union Organizing?

After deregulation, the Teamsters turned to organizing everyone from police officers to school employees. Their dues kept the union alive as an institution, but failed to increase workers' power in relation to the employers in the transportation sector which has been the union's heart for decades. TDU leaders, who are supportive of all Teamster organizing, criticize the union's leadership for a scattershot approach that has failed to focus on core Teamster industries, including trucking. The Teamsters union has in the last decade made several efforts to revive organizing in the trucking industry, though so far without

much success. An organizing campaign at FedEx that began ten years ago fizzled.

The Teamsters' most recent attempt is a campaign among the 70,000 or more drivers who work in and around the country's seaports, hauling freight from docks to inland warehouses or other destinations. Teamster president Jimmy Hoffa, Jr., the son of past IBT president James R. Hoffa, named Fred Potter, an IBT vice-president and New Jersey Teamster leader to head the Ports Division. Potter, who earned \$241,424 in 2012, told the press, "These are going to be nasty campaigns. Workers are going to be challenged, and we want to make sure they are up for the challenge. This is no different in many cases than preparing soldiers for war." So far there have only been skirmishes, though they seem to be growing in significance.

Still, there is certainly an army of low-paid and over-worked drivers out there who might be organized if the workers and the union can find the right strategy. Port drivers around the country are overwhelmingly among the people of color—Asian, Middle Eastern, Latino, and African American—who form part of America's enormous pool of low-wage workers. An in-depth study titled "Big Rig: Poverty, Pollution, and the Misclassification of Truck Drivers at America's Ports," which was produced in 2010 by the National Employment Law Project and Change to Win, a labor federation of which the Teamsters are a member, found, "Port truck drivers work long hours for poverty-level wage."

The authors of the report surveyed 2,183 port drivers in seven locations and found that average net earnings before taxes were \$28,783 per year for contractors and \$35,000 per year for employees. Contract drivers had to pay "for all truck-related expenses including purchase, fuel, taxes, insurance, maintenance, and repair costs." The report argued that many drivers were misclassified as contractors when in fact they were wage-earners, laying the basis for the Teamsters organizing strategy: turn contractors in wage-earners.

A 2014 update of the report sums up the current situation: "Powerful companies have moved core operations into nebulous networks of under-capitalized subcontractors, both domestic and overseas. And large numbers of workers find themselves beyond the reach of such core labor protections as a minimum wage, unemployment insurance, and Social Security." The report estimates

that California port trucking companies are annually liable for between \$787 million and \$998 million each year for wage and hour violations. This is wage theft of enormous proportions.

Back in July 2008, Hoffa himself showed up at the Oakland Port at the head of a demonstration of 3,000 labor unionists and environmentalists. "Port drivers are on the front lines of this fight for clean air and good jobs," he said. "They toil away every day earning poverty level wages and can't earn enough to pay for the maintenance of their older trucks which are pumping out toxic pollution. This coalition of environmental, community and labor activists has come together for a common cause—to curb pollution in our ports and create good-paying jobs for port drivers."

The Teamsters have encouraged drivers to file complaints with the California State Department of Industrial Relations for wage theft, since they are not paid for all of the hours they work, and hundreds have done so. The Teamsters have also won court cases in various states ruling that so-called independent contractors were actually wage-earners. These cases are important because, as contractors, the drivers were not entitled to sick pay, vacation holidays, or severance pay.

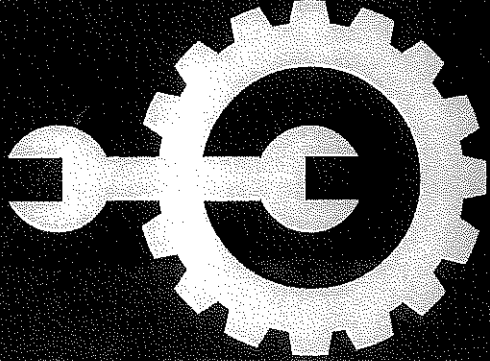
The basis for such rulings has been the fact that the companies—which sometimes illegally required drivers to rent equipment from them—control every aspect of the workers' jobs: when and where they go, what they do, and how they do it. They are in no way independent. In addition to their court cases, the Teamsters have been pushing for several years at both the state and the federal level for new legislation that would in many situations classify owner-operators as employees because they do not really have any control over their jobs. Both trucking industry associations and broader business organizations have opposed such laws.

The second aspect of the Teamster campaign has been to use their alliances with community and environmental groups to push for regulations or legislation requiring cleaner trucks and better practices. Many port drivers had been driving old junk trucks and leaving them idling while standing in line. When the Teamsters pushed for, and won, new environmental regulations that would soon retire trucks built before 2008, the low-paid drivers could not afford to buy new ones—at a cost of \$125,000 each. "The new rules forced some drivers out of the Port of Oakland," says Joe Keffer, a

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long-time labor organizer, now retired, who has worked as a volunteer with port drivers in their organizing efforts. "The company then came in and said, 'We'll buy your truck.'" So employers loaned money to drivers for new trucks, turning the drivers into debt peons working to pay off their loans to the bosses. Two prominent blogs—the Working In These Times blog and the *Washington Post's* Wonkblog—have called this "sharecropping on wheels."

Alex Cherin, executive director of the Harbor Trucking Association at the Port of Los Angeles, an employers' organization, has repeatedly claimed that most of the drivers want to be owner-operators, not wage-earners, and that those who want to be wage-earners can fill any of hundreds of positions available from the companies at the port. Volunteers working with port drivers also report some drivers don't want to be wage-earners and feel threatened by the Teamster strategy. They want to be owner-operators with whatever degree of independence they believe that gives them. Perhaps the Teamsters will have to try another strategy if they are going to organize the ports.

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Flyer for Occupy the Ports, an alliance between West Coast Occupy groups and the ILWU in Longview in 2011.

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Maybe they need to go back to their roots. When the union was founded in 1903, they represented drivers of horse teams, many of whom owned their own horses and wagons. Back in the 1950s and 1960s, the Teamsters succeeded in organizing some owner-operators when they agreed to negotiate both their wages and the costs of maintaining their equipment.

When I talked to Ben Sizemore the other day, he was driving through West Virginia down to Charlotte, S.C. He told me in his twangy accent that things weren't right out there on the road. "These guys are working like they should to make a living, but they are not getting home time with their wives and families. They're not being paid what they deserve. That's what the American dream is all about, isn't it: a fair day's work for a fair day's pay—and it's gotten away from that."

What can be done to improve conditions for truck drivers? The most important thing is union organization and the use of union power to fight back against the companies that dominate the industry. While the Teamsters organizing deserves support, it is difficult to imagine that it will be successful without a truly democratic union movement that can tap the knowledge, creativity, and righteous indignation of both wage-earners and owner-operators. Even then the union will need allies in the social movements, such as we saw in the brief alliance between the ILWU in Longview and the Occupy movement. Only with such a broad class movement will it be possible to take on the industry. When that sort of alliance arises again—democratic, militant, and from below—there will be the possibility of lifting drivers out of serfdom. **D&S**

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