IANA
INTERMODAL ASSOCIATION
OF NORTH AMERICA

**President & CEO** – Anne C. Reinke

April 28, 2026

Mr. Daniel Navarrete, Director
Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
U.S. Department of Labor
Washington, DC 20210

Re: Docket No. **RIN 1235-AA46**

Dear Mr. Navarrete,

The Intermodal Association of North America (IANA) appreciates the opportunity to submit comments on the Department of Labor's Notice of Proposed Rulemaking (NPRM) regarding the classification of workers as employees or independent contractors under the Fair Labor Standards Act (FLSA) and its proposed application to the Family and Medical Leave Act (FMLA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

IANA is the leading transportation trade association representing the combined interests of the intermodal freight industry. Our 1,000 members include railroads, ocean carriers, ports, intermodal trucking companies, logistics providers, and suppliers.

Intermodal freight transportation—moving goods via ship, rail, and truck—is foundational to the U.S. economy and global trade. The efficiency, cost savings, and environmental benefits of this system depend heavily on a flexible and resilient trucking segment, particularly independent owner-operators performing drayage services that connect ports, rail yards, and distribution centers.

IANA strongly urges the Department to ensure that any final rule preserves the long-standing, lawful independent contractor model that underpins intermodal trucking and broader supply chain operations.

We appreciate your leadership on this important effort and your support for intermodal goods movement. IANA looks forward to working with you and would welcome the opportunity to further engage with your office. If you or your staff have any questions, please do not hesitate to contact me at areinke@intermodal.org or 301-982-3400.

Sincerely,

Anne C Reinke

Anne Reinke
President and CEO
Intermodal Association of North America

IANA Comments
Department of Labor
**RIN 1235-AA46, Employee or Independent Contractor Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act**

## I. Introduction

The Intermodal Association of North America (IANA) appreciates the opportunity to submit comments on the Department of Labor's Notice of Proposed Rulemaking (NPRM) regarding the classification of workers as employees or independent contractors under the Fair Labor Standards Act (FLSA) and its proposed application to the Family and Medical Leave Act (FMLA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

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## II. The Independent Contractor Model Is Essential to the Intermodal Supply Chain

The intermodal sector extensively relies on independent contractors. More than 80 percent of truck drivers serving the intermodal industry operate as independent owner-operators.

These drivers are small business owners who invest significant capital in purchasing and maintaining their own equipment, and bear operating costs such as fuel, insurance and maintenance. They independently manage their schedules, routes and business decisions, and obtain and maintain commercial driver's licenses. This model has prevailed for decades because it enables motor carriers to adapt to fluctuations in freight demand and provides drivers with meaningful entrepreneurial opportunity.

Intermodal freight is inherently dynamic. Seasonal surges, port congestion, and global trade variability require a workforce structure that can scale efficiently. Independent contractors provide that flexibility, ensuring freight continues to move efficiently across modes and regions.

### III. Worker Preference and Economic Opportunity Must Be Respected

A central principle of the NPRM is the appropriate classification of workers based on economic reality. In applying this framework, the Department recognizes the clear and consistent preference among independent contractors for their chosen work arrangement. Research shows that independent drivers place a high premium on the ability to control their own work environment, valuing the freedom to set their own hours and choose their routes and length of haul.[1] Across all industries, the U.S. Department of Labor's Bureau of Labor Statistics found that over 80 percent of those working as independent contractors in their sole or main job preferred their work arrangement over traditional employment.[2]

IANA commends the Department of Labor's proposed application of an economic reality test to determine whether a worker is in business for himself or herself as an independent contractor or is an employee economically dependent on an employer for work. The core factor analysis — particularly the degree of control over the work and the opportunity for profit or loss — provide the proper consistency and clarity that the classification of independent contractors requires.

Reclassification policies that disregard worker choice risk eliminating opportunities that many individuals actively seek. Independent contracting is not a loophole — it is a deliberate, economically rational decision made by hundreds of thousands of workers.

While flexibility in analysis is appropriate, the excessive ambiguity resulting from the Department of Labor 2024 final rule's totality-of-the-circumstances analysis[3] created significant risks that wrongfully eliminated important liberties enjoyed by owner-operators. At a time when the trucking industry continues to face driver recruitment challenges and supply chain pressures, policies that risk constraining workforce participation are counterproductive and will result in:

- **Workforce Disruption:** Forced reclassification could lead to the exit of many owner-operators from the industry. Surveys indicate that only a small minority would transition to employee roles if independent contracting were eliminated.

- **Supply Chain Instability:** Intermodal trucking supports approximately 98 million container moves annually in the United States. Disruptions to driver availability would cascade across ports, rail networks, and distribution systems.

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[1] Owner-Operators / Independent Contractors in the Supply Chain, American Transportation Research Institute. https://truckingresearch.org/wp-content/uploads/2021/12/ATRI-OO-IC-in-the-Supply-Chain-12-1-21.pdf

[2] Contingent and Alternative Employment Arrangements, Bureau of Labor Statistics. https://bls.gov/news.release/pdf/conemp.pdf

[3] Department of Labor 2024 Final Rule, "Employee or Independent Contractor Classification Under the Fair Labor Standards Act, RIN 1235-AA43

- **Reduced Investment and Entrepreneurship:** Regulatory uncertainty discourages drivers from investing in equipment and expanding their small businesses.

- **Increased Costs for Consumers:** Reduced flexibility and capacity would increase transportation costs, ultimately raising prices for goods.

**V. Importance of Regulatory Clarity and Consistency**

IANA supports a regulatory framework that provides clear, predictable, and administrable standards for determining worker classification. As reflected in the current proposed rule, efforts to clarify and streamline the economic reality test can reduce litigation, improve compliance, and support innovation.

In creating the final rule, the Department should ensure clarity so that all stakeholders can understand and apply the rule in real-world settings. Moreover, the final rule should reflect modern business practices, including owner-operator trucking models, giving deference to actual industry practices. Finally, the Department must align the independent contractor analysis across the FLSA, FMLA and MSPA to avoid future conflicting interpretations.

**VI. Congressional Efforts Highlight the Need to Preserve the Model**

Congress has recognized the importance of protecting independent contractor arrangements through legislation such as the Modern Worker Empowerment Act.

These proposals seek to provide certainty and uniformity in classification standards, protection for workers who choose independent contracting, and stability for industries that rely on flexible labor models.

The Department should ensure that its regulatory approach aligns with these policy objectives and does not inadvertently undermine congressional efforts to preserve worker choice and economic opportunity.

**VII. Conclusion**

The independent contractor model is indispensable to the intermodal freight system and the broader U.S. economy. It supports efficient supply chains, empowers small business ownership, and reflects the preferences of a substantial portion of the workforce.

We appreciate the Department's consideration of these comments and look forward to continued engagement on this important issue.