March 1, 2019

The Honorable Peter DeFazio
Chairman
U.S. House Committee on Transportation & Infrastructure
Washington D.C. 20510

The Honorable Sam Graves
Ranking Member
U.S. House Committee on Transportation & Infrastructure
Washington D.C. 20510

Dear Chairman DeFazio and Ranking Member Graves:

On behalf of the American Trucking Associations (ATA), I write to voice strong opposition to legislation soon to be introduced entitled the Small Carrier Electronic Logging Device Exemption Act. This dangerous and wrong-headed legislative proposal, which received little serious consideration when introduced in the 115th Congress, threatens to impede highway safety and runs in direct conflict with the federal hours-of-service (HOS) rules that oversee the operation of commercial motor vehicles.

ATA is the largest national trade association representing the trucking industry, with more than 37,000 members. And while our members range in size and type, they share a core common interest in highway safety. Accordingly, we whole-heartedly supported the congressionally-mandated implementation of electronic logging devices (ELDs) and the significant impact this critical technology has had on enhancing public safety—a technology implementation that was fully litigated, widely debated, congressionally mandated, and most recently reaffirmed by the Federal Motor Carrier Safety Administration (FMCSA) in denying an ELD exemption request mirroring this legislation1. Compared to the outdated pen and paper methods of tracking driver hours, this modern-day technology is more accurate, easier to enforce, more difficult to falsify, and—most importantly—will save lives. Efforts such as the Small Carrier Electronic Logging Device Exemption Act are simply misguided, supported by misinformation, and an attempt to evade compliance with the existing laws and regulations governing duty hours and driver fatigue.

Opponents of the ELD implementation have stated the device has made highways unsafe by not allowing a driver to rest when tired. ATA, with its core principles rooted in the commitment to highway safety, would adamantly oppose any device that does not allow a driver to rest when tired. The simple fact is that ELDs have not changed the HOS rules that have been in place since the early 2000s. The requirements for how long a driver may operate a commercial vehicle, or the minimum amount of time a driver must be off-duty, have not changed, nor have the requirements for when a driver must rest. ELDs have simply replaced the traditional “paper log” with an electronic version that automatically records a driver’s duty status based on electronic data from the vehicle’s engine and GPS location data. The argument that an ELD does not allow a driver to rest when tired is simply false, as the device is merely a recordkeeping method to ensure accuracy with a driver’s HOS. ELDs have in no way impacted when a driver can rest.

There is, however, irrefutable evidence that ELD technology has proven effective in improving safety and increasing compliance. Since the December 18, 2017, ELD implementation date, HOS violations have dropped by more than half and continue to fall.2 The decline in these violations, such as a driver driving beyond the maximum number of hours allowed, is a direct result of ELDs. Now that the initial ELD compliance date has come and gone, fleets have

adopted the required technology and are compliant. FMCSA has stated that since April 1, 2018, less than 1% of the nearly 3 million driver roadside inspections have resulted in a driver being cited for not having an ELD. 3 FMCSA’s 2014 report titled “Evaluating the Potential Safety Benefits of Electronic HOS Records” quantified the benefits of ELD use, finding that carriers using ELDs saw an 11.7 percent reduction in crash rate and a 50 percent reduction in HOS violations compared to those who had not adopted this safety technology. The study concluded that “the results show a clear safety benefit, in terms of crash and HOS violation reductions for trucks equipped with [ELDs].” 4 This and other evidence has convinced ATA and the vast majority of the trucking industry, along with law enforcement, Congress, FMCSA, and numerous federal courts to support the ELD final rule.

The related safety policy questions that Congress and FMCSA continue to engage should be focused on HOS rules, not the device that records compliance with them. Implementation of ELDs did, however, bring to light a need for greater HOS flexibility; flexibility that, while maintaining the safety of our roads, can provide the varying sectors of trucking narrow and tailored adjustability to operate safely and efficiently. Based on legitimate calls for greater HOS flexibility, FMCSA initiated a rulemaking on potential changes to HOS rules. ATA – and, other industry stakeholders – continue to provide input to the agency on potential technical corrections to the HOS regulations that will allow greater flexibility for various segments of the industry, including small carriers such as those who are engaged in the transportation of agricultural commodities.

Exempting carriers with 10 or fewer trucks from ELDs would not achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current HOS regulations. The size of a fleet should make no difference to whether electronic recordkeeping should be required. No argument can be made to support a safety benefit for allowing such exemptions. What an exemption of this nature would do, however, is severely undermine the ELD rule by excusing the vast majority of motor carriers from the requirement. Currently, 91 percent of all for-hire motor carriers in the United States operate six or fewer trucks and 97 percent operate less than 20. This exemption would cripple the ELD rule and give back much of the safety benefit it has brought.

ATA members of all sizes have long supported the ELD mandate. Our members—large and small—know that ELD implementation has created a level playing field so that all carriers are held to the same standard of safety and expectation with regards to HOS compliance. Allowing an exemption such as this could pave the way for non-compliant carriers to avoid this important safety mandate and evade compliance with existing HOS regulations. Quite simply, such an exemption is not in the best interest of public safety.

As your committee considers proposals to improve the flexibility in HOS for commercial motor vehicle drivers, ATA urges your continued support for FMCSA’s electronic logging device mandate and asks that you dismiss proposals such as the Small Carrier Electronic Logging Device Exemption Act, which would interfere with the Agency’s efforts to improve highway safety for the motoring public.

Thank you for your thoughtful consideration of this matter. We look forward to continuing to work closely with you, FMCSA, and the trucking industry in pursuit of common-sense and pro-safety adjustments to HOS for commercial motor vehicle drivers, while also supporting the vital safety improvements that ELDs are providing.

Sincerely,

Bill Sullivan
Executive Vice President of Advocacy
American Trucking Associations

CC: U.S. House of Representatives

3 Ibid.
4 79 Federal Register 27041 (May 12, 2014).