ATA POSITION: The American Trucking Associations supports the Federal Motor Carrier Safety Administration’s (FMCSA) proposal to mandate the use of electronic logging devices (ELDs). Such devices automatically track driving time and, as a result, improve compliance with Federal hours of service regulations. However, a final deadline for all fleets to install these devices is still years away. In the interim, fleets that voluntarily adopt the devices suffer competitive and enforcement inequities as a result. These factors ultimately discourage more fleets from installing ELDs prior to the deadline. Accordingly, FMCSA should provide incentives for voluntary ELD adoption and reward fleets that embrace the use of these devices.

DISCUSSION: In March, 2014 FMCSA issued a proposed rule to require the use of electronic logging devices. However, it will take the agency at least one full year to issue a final rule and the subsequent deadline for device adoption will likely be two years thereafter. In other words, fleets will not be required to install these devices for at least three years. In fact, delays in the regulatory process and potential litigation over the rule will likely delay an adoption deadline even further.

Thousands of fleets have voluntarily adopted ELDs to improve compliance, efficiency and safety. Yet, these fleets have found that the devices place them at a disadvantage when competing against non-ELD equipped fleets that aren’t held to the same standard of compliance with the hours of service rules. Also, ELD equipped fleets find they are more likely to be cited for minor violations during roadside inspections because the devices are so precise and since the violations are more apparent than they would be on a paper log. These inequities ultimately penalize early adopters and discourage other fleets from installing ELDs before the final deadline to do so.

SOLUTION: In order to promote voluntary adoption of electronic logging devices and to recognize early adopters, FMCSA should provide the following incentives:

- Reduce the violation weight in the SMS assigned to minor hourly and false log violations committed by ELD users;
- Adjust the “measure” (ratio of violations per inspection) in the SMS hours of service measurement category by providing additional credit for each inspection;
- Provide relief from enforcement of the new HOS rest break requirement given that compliance with this requirement is more heavily scrutinized when an ELD is used;
- Change FMCSA’s processes to require that during compliance reviews and reviews of safety management plans, records sampled to measure compliance mirror the percentage of the fleet that is equipped with ELDs.

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