



July 21, 2017

Mrs. Daphne Jefferson
Deputy Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Deputy Administrator Jefferson,

I am writing you today on behalf of the American Trucking Associations (ATA) – the nation’s largest and most authoritative voice representing the trucking industry – to oppose any effort to delay the December implementation of the fully litigated, widely debated and Congressionally mandated use of electronic logging devices (ELD). With the December deadline approaching, opponents of electronic logging are making one last attempt to influence policymakers to reconsider the impending implementation deadline. These efforts are misguided, are supported by misinformation, and are simply an attempt to evade compliance with the existing laws and regulations governing duty hours and driver fatigue.

The December deadline for this important safety regulation was established by the Federal Motor Carrier Safety Administration in 2015 following a decade of regulatory inquiry, study, litigation and ultimately a congressional mandate in 2012 as part of the Moving Ahead for Progress in the 21st Century Act – MAP-21.

This technology has proven effective in improving safety and increasing compliance many times. FMCSA’s 2014 report titled “Evaluating the Potential Safety Benefits of Electronic Hours-of-Service (HOS) Recorders,” found that carriers using an ELD saw an 11.7 percent reduction in crash rate and a 50 percent drop in hours-of-service violations over carriers using traditional paper logs.

This and other evidence has convinced ATA and many other industry supporters, along with law enforcement, Congress, FMCSA and numerous federal courts, including the U.S. Court of Appeals for the Seventh Circuit, which became the most recent court to reject arguments opposing the ELD mandate, to support the ELD final rule.

Supporters of a delay are attempting to accomplish, almost at the 11th hour, what they’ve been unable to do in the courts, Congress or with the agency: roll back this common sense, data-supported regulation based on at best specious and at worst outright dishonest arguments.

Allow me to walk through some of the arguments put forward by these groups, if only to debunk them:

- *ELDs infringe on drivers’ right to privacy:* The ELD regulation simply requires drivers to record their hours-of-service by a different means – an electronic device versus pencil and paper. Drivers must already show their paper logs at the request of law enforcement, and ELDs simply transmit that same information electronically, so claims of privacy infringement are unfounded – the only difference is in how drivers are recording and reporting their hours-of-service.

To address the alleged privacy issues, FMCSA has built in privacy and harassment protections into its rules, protections that have satisfied Congress and the federal courts.

- *Based on when this rule will go into effect – mid-December – it will prevent important holiday shipments from arriving on time and adversely affect Americans’ holidays:* The hours of service rules have not changed. ELDs do nothing but ensure compliance with the hours-of-service rules. The ELD final rule does not add any new limits on the number of hours a driver can drive in a day or work in a week. It is irrational to believe that the only way America’s holiday gifts can be delivered is by maintaining an antiquated paper system of recording hours-of-service.
- *Drivers say they will change careers if the ELD mandate comes into effect:* The American economy depends on the 3.5 million professional drivers in our industry. These drivers make sure our store shelves are stocked and our factories are supplied. Many of these drivers already use ELDs, so the argument that drivers will quit en masse doesn’t hold water. In fact, ATA members repeatedly tell me that after initially resisting using ELDs, their drivers now swear by the technology and refuse to work without it.

This is because ELDs save drivers’ time by lifting the burden of 15-20 minutes spent manually calculating and recording their hours-of-service, reduce HOS violations by eliminating the numerous so-called “form and manner” violations and increase compliance with hours-of-service rules.

One final note on this rule – beyond being thoroughly debated and litigated – using an electronic logging device to record hours-of-service is the right thing to do. It is using more accurate, easier to access and most importantly, more difficult to falsify, 21st Century technology to demonstrate compliance with the HOS rather than an easy-to-falsify, error prone and 18th Century technology of a paper and pencil.

At the end of the day, I believe the implicit reason opponents of electronic logging oppose this regulation is because they intend to cheat on their hours-of-service. It is the same reason an individual with an exotic sports car buys a radar detector: it is an implicit admission that they intend to break the speed limit. Arguments against the ELD mandate are arguments in favor of violating the hours-of-service rules. If the hours-of-service rules are believed to be inappropriately limiting, that is a policy debate I’m sure the agency can address. Suggesting that it is overly burdensome to use an electronic device to log compliance with hours-of-service rules that don’t change whatsoever in December is a false argument.

By again raising this issue, Congress has begun a process that may result in FMCSA being required to produce yet another report to address issues relating to the implementation and use of electronic logging devices. Since this potential requirement may not survive the legislative process – and that report may take months to complete – it may be useful to legislators and other interested parties if the agency could address these questions now:

1. Is the technology required for the electronic logging device mandate ready for implementation?
2. Based on your interaction with stakeholders - including law enforcement and industry - do you believe implementation of this rule will place an unreasonable burden on drivers or the industry to comply with “Hours of Service regulations?”
3. Will the enforcement community be prepared to implement the requirement?
4. Would the interest of highway safety be served by a targeted or full delay in implementing the ELD requirement?

5. Would compliance with the current hours-of-service rules be improved by a targeted or full delay in implementing the ELD requirement?

ATA strongly supports FMCSA's electronic logging device mandate, and urges Congress to not interfere in the Agency's efforts to improve safety by meeting this important regulatory deadline.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Sullivan". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Bill Sullivan
Executive Vice President, Advocacy