

Electronic Logging Devices

ISSUE TYPE	Regulatory (Federal)	KEY DATES	July 6, 2012 – President signs MAP-21 into law, bill includes ELD mandate
AGENCY	FMCSA		Dec. 10, 2015 – FMCSA issues ELD final rule
STATUS	Active/Tracking		Dec. 18, 2017 – Deadline for carriers using paper logs to switch to ELDs
DIVISION IMPACT	MC		June 5, 2018 – SBTC requests ELD exemption for small carriers
INTERESTED PARTIES	ATA, CVSA, OOIDA, SBTC Safety Advocates	MOST RECENT ACTION	Apr. 13, 2020 – FMCSA denies SBTC exemption request for small carriers

Statement of the Issue

The Federal Motor Carrier Safety Administration (FMCSA) requires commercial motor vehicle (CMV) operators to record their hours of service (HOS) on electronic logging devices (ELDs).

Policy Position

IANA evaluated the final regulations for impacts on intermodal operations and continues to monitor the actions of Congress, the FMCSA, and industry groups such as the American Trucking Associations (ATA). IANA is supportive of the use of ELDs as an effective way to ensure driver and public safety while promoting technologically innovative reporting methods.

Summary

The Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012 called on the U.S. Department of Transportation (USDOT) to adopt regulations mandating the use of ELDs in all CMVs operating in interstate commerce. The FMCSA finalized this rule in 2015, providing carriers two years to transition from paper logs to electronic logs.

In June 2018, the Small Business in Transportation Coalition (SBTC) applied for a five-year exemption for all motor carriers with fewer than 50 employees. SBTC asserted the exemption would not have adverse impacts on safety, as operators would still be subject to HOS regulations. The FMCSA denied this request in July 2019, citing that SBTC did not meet the regulatory standards for exemption by failing to explain how the exemption would ensure current safety standards would be met or exceeded. In response, SBTC submitted a petition for

reconsideration. The FMCSA received 355 public comments on this petition, of which it stated over 300 were supportive of SBTC’s exemption request— though groups such as the Commercial Vehicle Safety Alliance and Truckload Carriers Association opposed the petition. In its final decision in April 2020, the FMCSA reasoned SBTC did not provide any new information that would have altered its original decision to deny the application, thereby reaffirming its previous denial of the ELD exemption request.

The Infrastructure Investment and Jobs Act, enacted in November 2021, included a provision requiring the Secretary of Transportation to submit a report to Congress analyzing the cost and effectiveness of ELDs. Additionally, the report will detail the processes used by the FMCSA to review ELD logs, protect proprietary and personally identifiable information obtained from these logs, and consider challenges or appeals of an ELD violation notice issued by the FMCSA.

Potential Impact to Intermodal Freight Transportation

Impact 1:

By removing the necessity to manually document HOS compliance and placing a cap on the number of required supporting documents, the amount of time spent recording hours and organizing relevant documents may be reduced.

Impact 2:

The rule defines “harassment” as “an action by a motor carrier toward a driver... involving the use of information

available to the motor carrier through an ELD... or through other technology used in combination with and not separable from the ELD, that the motor carrier knew, or should have known, would result in the driver violating” HOS and fatigue regulations. By creating such a definition and establishing guidelines for best and appropriate uses of ELDs, the rulemaking increases safeguards against harassment and protects both drivers and fleet managers.

Impact 3:

By recording the time spent behind a wheel of a CMV accurately, the ELD makes all parties aware of the actual time needed for a driver to make a trip. Increased transparency can lead to reduced pressure on drivers to falsify their Record of Duty Status, and lead to a clearer understanding of driver schedules.