

## Electronic Logging Devices

<b>ISSUE TYPE</b>	Regulatory (Federal)	<b>KEY DATES</b>	<b>July 6, 2012</b> – President signs MAP-21 into law, bill includes ELD mandate
<b>AGENCY</b>	FMCSA		<b>Dec. 10, 2015</b> – FMCSA issues ELD final rule
<b>STATUS</b>	Active/Tracking		<b>Dec. 18, 2017</b> – Deadline for carriers using paper logs to switch to ELDs
<b>DIVISION IMPACT</b>	MC		<b>March 12, 2019</b> – Small Carrier Electronic Logging Device Exemption Act is introduced
<b>INTERESTED PARTIES</b>	ATA, CVSA, OOIDA, Safety Advocates	<b>MOST RECENT ACTION</b>	

### 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. FMCSA finalized this rule in 2015, providing carriers two years to transition from paper to electronic logs. Carriers using Automatic On-Board Recording Devices (AOBRDs) have until Dec. 2019 to either modify their current systems to meet ELD specifications or transition to an ELD.

Citing concerns that ELDs violate a driver's Fourth Amendment rights against unreasonable searches and seizures, the Owner Operator Independent Drivers Associations (OOIDA) sued to block FMCSA from implementing the final rule. After two federal appeals courts rejected their suit, OOIDA filed a petition with the U.S. Supreme Court. The Supreme Court declined to review the case in June 2017, upholding the mandate.

Since its implementation, several groups have advocated for an exemption from the rule, with the support of some lawmakers. OOIDA requested that small businesses with proven safety records be exempt from the mandate for a five-year period. FMCSA denied OOIDA's exemption request in July 2018, saying the request challenged the rule itself rather than justifying an exemption. 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 argued the exemption would not have adverse impacts on safety, as operators would still be subject to HOS regulations. This request is still pending.

On June 21, 2018, Congressman Crawford (R-AR) introduced the Honest Operators Undertaking Road Safety (HOURS) Act. Currently, short-haul drivers exempt from ELD requirements are divided into two tiers. This bill proposed to group all short-haul truck drivers that operate within a 150 air-mile radius of their reporting location and complete their workday in 14 hours together, and would exempt them from ELD requirements. The bill died at the conclusion of the 115th Congress.

In Congress, Representative Peterson (D-MN) introduced the Small Carrier Electronic Logging Device Exemption Act on March 12, 2019. This bill would exempt carriers operating ten or fewer fleets from ELD requirements. Instead, exempted carriers would have the option to allow their drivers to use either paper logs or ELDs to comply with HOS requirements. The bill has received support from organizations such as OOIDA, TruckerNation, United States Transportation Alliance, and the Small Business in Transportation Coalition. American Trucking Associations voiced its opposition to the bill in a letter sent to House Transportation and

Infrastructure Committee leadership, citing safety concerns.

## 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.