



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Deputy Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

September 6, 2017

Mr. Bill Sullivan
Executive Vice President, Advocacy
American Trucking Associations
430 First Street, SE, Suite 100
Washington, DC 20003

Dear Mr. Sullivan:

Thank you for your letter expressing the American Trucking Associations' (ATA) concerns regarding a potential delay in the December 2017 implementation of the Electronic Logging Device (ELD) rule. We appreciate ATA's support of this important safety mandate.

As you know, ELDs automate the creation and updating of a driver's record of duty status (RODS), thereby reducing the time it currently takes to maintain a handwritten log. Additionally, ELDs reduce the potential for inaccurate or falsified hours of service (HOS) records that currently exists with paper log books. Improved tracking of drivers' HOS help drivers stay in compliance and stop driving when required. This reduces driver fatigue that contributes to crashes, making the highways safer for everyone. As ATA noted, FMCSA's extensive research estimates that ELDs will eliminate 1,844 crashes and save 26 lives and 562 injuries annually. It is important to note that this research also estimates over \$2.4 billion dollars in paperwork savings through the use of ELDs.

In your letter, you asked five specific questions, which we answer in turn.

1. Is the technology required for the ELD mandate ready for implementation?

Yes. Currently, there are more than 75 devices that have been self-certified and registered with the Agency by numerous vendors. Additionally, the Agency is completing development on software that will be able to read the electronic file from any self-certified and registered ELD and translate it into HOS information to be used by inspectors and other enforcement personnel. This is in addition to the requirement that the ELD present a driver's HOS via display screen or printout in the event that data transfer is unavailable.

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 HOS regulations?

The ELD rule did not change the HOS regulations. Therefore, the implementation of this rule does not impact HOS compliance currently required under the regulations. In addition, as mentioned above, the Agency estimates a \$2.4 billion annual savings in paperwork reduction and efficiency costs, outweighing the estimated cost of \$1.8 billion for ELD implementation. Therefore, FMCSA's research and cost/benefit analysis confirm that there is not an unreasonable burden from ELD implementation.

3. Will the enforcement community be prepared to implement the requirement?

Yes. FMCSA has made funds available to the States to purchase any equipment they would need to enforce the ELD rule. The Agency provided initial training to the States, and additional training will be offered this fall, prior to the December 18, 2017, implementation date. As the ELD equipment must provide a display screen or printout, the enforcement community will be able to review the driver's logs accurately and efficiently. Other software, as noted above, will only make this easier.

4. Would the interest of highway safety be served by a targeted or full delay in implementing the ELD requirement?

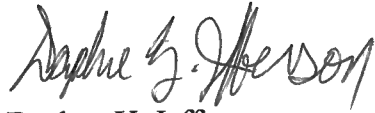
No. FMCSA understands the risks of non-compliance with the HOS regulations and the impacts on driver fatigue and crashes. Implementation of the ELD rule will improve compliance with the HOS rules and reduce crashes. Additionally, the rule includes provisions to protect drivers by ensuring that employers do not harass drivers into violating HOS regulations through the use of ELDs and related technologies. It is critical that this protection be implemented.

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

No. As stated above, ELDs will improve the accuracy of HOS logs, improve compliance, reduce falsification that occurs with paper log books, and reduce crashes. Any delay in implementation will diminish rather than enhance highway safety. Again, FMCSA appreciates the support of ATA and the many other organizations and businesses that support the use of this equipment. I assure you that FMCSA will continue to work with our industry and enforcement partners to ensure an efficient and effective transition to ELDs.

Should you need additional information or assistance, please contact Joseph DeLorenzo, Director, Office of Enforcement and Compliance, at (202) 366-8577 or by email at joseph.delorenzo@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Daphne Y. Jefferson". The signature is written in a cursive style with some loops and flourishes.

Daphne Y. Jefferson