



Owner-Operator Independent Drivers Association

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The Honorable Barbara Boxer
Chairman
Committee on Environment & Public Works
410 Hart Senate Office Building
Washington, DC 20510

The Honorable John Mica
Chairman
Committee on Transportation & Infrastructure
2167 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Boxer, Chairman Mica, and members of the Conference Committee:

You may have seen the video produced by the American Trucking Associations, the Commercial Vehicle Safety Alliance, and AAA imploring Congress to force the entire trucking industry to purchase and employ electronic on-board recorders (EOBRs) on their commercial motor vehicles. While the video attempts to make compelling arguments in favor of a government mandate, the proponents of EOBRs fail to make the connection between mandating EOBRs and truly improving highway safety.

In the video you hear arguments such as there is a link between compliance and safety as well as that fatigue can be a factor in accidents. OOIDA members generally agree, which is why thousands of OOIDA members have safe driving records covering hundreds of millions of miles. Small business truckers, especially those who own their own trucks, have a clear economic incentive to drive safely. Not only does the video fail to recognize that fact, it also fails to make the case that in order to improve compliance or address fatigue the government must implement a \$2 billion mandate, especially one that creates a dangerous illusion that EOBRs mean the driver is complying with hours-of-service (HOS) regulations. The fact remains that no proof exists that EOBRs will improve compliance with HOS regulations nor does proof exist that EOBRs will reduce fatigue and improve highway safety.

The fact of the matter is these devices as described in the mandate will capture only HOS violations that involve driving over 11 hours a day, which, according to DOT make up less than 1% of all HOS violations that occur. EOBRs only record duty status when the truck's wheels are moving, and with HOS regulations limiting a driver to a maximum of 11 hours of driving a day, there are still 13 hours during the day where an EOBR is no more effective at ensuring HOS compliance than paper logs.

This unrecorded time is where nearly everyone agrees that non-compliance primarily occurs and where motor carriers – including some of the nation's largest – are given the ability to push their drivers to violate HOS rules under the cover of an EOBR. A motor carrier's focus on maximizing on-duty and driving time can lead to a trucker recording time waiting at the dock as off-duty even though under the law that time should be recorded as on-duty/not driving because the driver is still working. Indeed, many EOBRs are designed to default to off-duty whenever the truck is stopped for more than a few minutes. The use of an EOBR will do nothing to prevent incorrect recording of duty status, and because it can hide this designation it may lead to expansion of this practice, which only leads to more fatigued drivers.

EOBRs as envisioned under the language of MAP-21 will not establish a true tool to measure compliance with HOS rules and to stop violations: an accurate record of both a driver's driving and non-driving time. Without addressing both, EOBRs simply will not achieve the safety gains suggested by proponents of the mandate. Forcing a \$2 billion mandate down on motor carriers big and small that is incapable of improving HOS compliance is the wrong way to go if you are truly interested in continuing to improve highway safety. OOIDA and the small business men and women who comprise our membership are serious about improving highway safety, which is why we seek solutions that will address the broader issues causing fatigue and non-compliance, not an expensive, intrusive and burdensome regulatory mandate.

Instead of mandating 1990's technology that will not achieve safety gains, Congress and the Administration should consider examining modern tools and policies that take a more comprehensive look at a driver's duty time. Electronically recording hours is not the issue. It's the question of whether or not the electronic log as mandated under MAP-21 will actually improve hours-of-service compliance and combat fatigue. Despite claims by supporters, the reality is that EOBRs are not the solution to these problems. Recently an EOBR vendor made it crystal clear how ineffective EOBRs are at improving highway safety when they wrote "when law enforcement and DOT inspectors see a sticker on a truck, indicating it's running on [EOBRs], it's often waved right through" with no inspection taking place.

This issue, for the large motor carriers, is about managing a driver's productivity down to the minute as well as using a government regulatory mandate to change the competitive playing field of the trucking industry by encumbering the small business carriers that make up the vast majority of that industry. EOBRs turn the focus of carriers toward maximizing driving during the 11-hour driving period instead of focusing on comprehensive HOS compliance and proper safety practices throughout the entire 24-hour day.

Despite claims in the video, the costs of these devices are not insignificant, especially for small businesses with modest profit margins. OOIDA estimates that direct cost for purchasing, installing and maintaining an EOBR will run approximately \$1,500 per device for a small business motor carrier. The video makes light of the cost of an EOBR, arguing that they are no more expensive than new tires for a truck; however, unlike an EOBR, new tires will actually make a difference in highway safety. A truck cannot run without tires, but OOIDA members and the members of the other small business and industry associations joining us in opposing an EOBR mandate prove every day that trucks do operate safely without an EOBR.

As you continue your work on a surface transportation reauthorization bill, we urge you to avoid the illusion that EOBRs will improve highway safety and join with OOIDA members and thousands of other small business professionals and focus on ways to truly improve HOS compliance and highway safety.

Sincerely,



Jim Johnston
President