

American Trucking Associations - Comments

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This is a Comment on the **Federal Motor Carrier Safety Administration (FMCSA)** Notice: [Agency Information Collection Activities; Proposals, Submissions, and Approvals Driver and Carrier Surveys Related to Electronic Onboard Recorders and Potential Harassment Deriving From Use](#)

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Driving Trucking's Success

American Trucking Associations

950 N. Glebe Road, Suite 210, Arlington, VA 22203

June 27, 2013

Mr. Albert Alvarez
Office of Analysis, Research, and Technology
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE Washington, D.C. 20590

Via Regulations.gov

Re: FMCSA -2012-0309 *Agency Information Collection Related to Electronic On-Board Recorders*

Dear Mr. Alvarez:

I am writing in response to the notice and request for information entitled *Agency Information Collection Activities; New Information Collection Request; Driver and Carrier Surveys Related to Electronic On-Board Recorders (EOBRs, and Potential Harassment Deriving From EOBR Use)*.¹ These comments are on behalf of the American Trucking Associations, the national trade association of the trucking industry. ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry.²

ATA supports mandated use of electronic logging devices for recording drivers' compliance with Federal hours of service regulations. As mentioned in previous comments to the agency on this matter, ATA also supports the Federal Motor Carrier Safety Administration's (FMCSA) plan to conduct a survey on how electronic logging devices (ELDs) can be used to monitor productivity and their potential use as a tool to harass drivers. However, we have some concerns with questions posed on the survey instrument and associated materials. Addressing these concerns will help ensure a more appropriate and effective survey.

Questions four, five, and fourteen on the survey instrument ask drivers to explain how they are paid. These questions are irrelevant considering the purpose of the survey is to determine the extent to which electronic logging devices could be used to harass drivers. ATA is aware that FMCSA may have an interest in evaluating the role of pay mode in other contexts. However it is inappropriate for the agency to use this information collection to gather data for some other purpose. Accordingly, these questions should be removed from the survey.

A second concern is with respect to terminology used in the survey instrument. Throughout the survey, associated documents, and the subject notice, FMCSA refers to electronic logging devices as "EOBRs." For example, question number nine includes the following statement: "*Sometimes EOBRs are a stand-alone unit; sometimes they are integrated into a system with a variety of functionalities.*" ATA believes that devices described as EOBRs are far more often perceived, and quite often assumed, to be the latter. For that reason, recent legislation which calls for FMCSA to mandate

¹ 78 Federal Register, Number 102, 5/28/13, page 32001.

² ATA's membership includes more than 2,000 trucking companies and industry suppliers of equipment and services. Directly and indirectly through its affiliated organizations, ATA encompasses over 34,000 companies and every type and class of motor carrier operation.

adoption of devices to simply record hours of service (but do not necessarily include other functionality) refers to them as “electronic logging devices (ELD).”

The use of the term ELD would be appropriate and beneficial in this context as well. Even though FMCSA attempts to distinguish electronic logging devices from multi-function fleet management systems in question number nine, the use of the term EOBR still may be confusing to some. Because devices called EOBRs are often assumed to be capable of real-time tracking and two-way communication, use of the term to describe all systems that track hours of service is confusing and is likely to generate unreliable survey results.

ATA understands and respects the need for this survey in order to gather data in support of a future ELD mandate. Further, ATA urges FMCSA to conduct this research quickly in order to speed completion of the rulemaking. These comments are not intended to hinder or delay the process, but instead ensure that the information gathered in the survey is meaningful, reliable, and relevant.

Regards,
Rob Abbott
Vice-President
Safety Policy