



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

March 2, 2018

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave., SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590

RE: Docket Comments: Docket Number FMCSA-2018-0002
Hours of Service of Drivers: Electronic Logging Devices; Application for Exemption; Old Dominion and Other Motor Carriers Experiencing Problems Integrating PeopleNet ELD System Updates Into Their Fleet Management Systems

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the application for an exemption for a modified electronic logging device (ELD) phase-in period submitted by Old Dominion Freight Line Inc.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout the United States, Canada and Mexico by providing guidance and education to enforcement, industry and policy makers.

CVSA applauds all motor carriers who continue to implement enhanced safety management practices by leveraging technology to improve fleet operations and driver safety. However, while we recognize and understand the managerial and administrative challenges created by requiring Old Dominion to operate a mixed fleet of both ELDs and automatic onboard recording devices (AOBRDs) until the issue is resolved, we have strong concerns over the potential effects of granting this exemption.

If granted, the exemption would create a competitive advantage for the vendor PeopleNet and all motor carriers covered by the exemption, as the modified phase-in period for deployment of ELDs would allow those motor carriers to install and operate AOBRDs for an extended period of time, creating a different standard for the vendor and for those motor carriers operating on the PeopleNet system. As a result, and in order to level the playing field, CVSA anticipates that FMCSA would receive similar exemption requests from a number of other motor carriers who operate fleet management safety systems and platforms provided by other vendors, effectively delaying the 'grandfather' deadline portion of the ELD requirement by a full year.

Every new exemption is an opportunity for confusion and inconsistency in enforcement, which undermines the foundation of the federal commercial motor vehicle enforcement program—uniformity. For these reasons, exemptions should be awarded only when there is a proven, *critical* need. Exemptions should be the exception,

not the rule. While we understand the challenges Old Dominion and other motor carriers who use the PeopleNet system will face, Old Dominion has not demonstrated a critical need.

Granting yet another regulatory exception only serves to inhibit law enforcement and industry's understanding of the rules. Every exception and change to regulations requires additional training for inspectors, resulting in the potential for a higher level of confusion surrounding the applicability of the regulations. More confusion will ultimately lead to less enforcement on our highways.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance