



# Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

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February 26, 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-2017-0342  
*Hours of Service of Drivers: Application for Exemption; SikhsPAC and the North American Punjabiz Trucker Association*

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the application for an exemption from the requirement that motor carriers equip their vehicles with electronic logging devices (ELDs) submitted by SikhsPAC and the North American Punjabiz Trucker Association.

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 strongly opposes the exemption request. First and foremost, exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. The Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations exist to ensure that those operating in the transportation industry are equipped to do so safely.

The federal hours-of-service requirements exist to help prevent and manage driver fatigue. While it's true that we cannot regulate sleep, the hours-of-service rules set forth a framework that, if followed, allows for drivers to get the rest necessary to operate their vehicles safely. Unfortunately, hours-of-service violations continue to be some of the most frequently found violations by enforcement officials, who conduct roadside safety inspections. What this tells us is that too many drivers and motor carriers either don't understand the hours-of-service rules or are intentionally violating them – and, as a result, undermining safety. Deployment of ELDs will help address both of these issues.

For those drivers and motor carriers who don't understand the intricacies of the hours-of-service requirements and for those who make the occasional mistake when using their paper log, ELDs will remove the guess work and the risk of human error. This will result in better compliance and fewer violations. For those who are using their log books to find 'wobble room' in the current hours-of-service regulations, ELDs will make it easier for inspectors to identify violations and take unsafe, noncompliant carriers and drivers off the roadways. The devices will also save time for both inspectors and drivers, leading to more efficiency.

CVSA does not believe that applicants' arguments in support of an exemption have merit. Exemptions should be awarded only when there is a proven, critical need. The applicants justify their request by arguing that their members are not prepared to comply with the ELD requirement. While it may be true that those in the industry are unprepared, that is hardly justification for an exemption. The ELD final rule was published more than two years ago, in December of 2015; legislation requiring the Federal Motor Carrier Safety Administration (FMCSA) to develop an ELD requirement was approved by Congress in 2012. The ELD requirement is not a new development and industry has had more than enough time to prepare for implementation. If some in industry have failed to do so, while it may be unfortunate, it is not FMCSA's responsibility to resolve. Further, understanding of and compliance with the Federal Motor Carrier Safety Regulations is part of every motor carrier's responsibility and a condition of receiving operating authority from the agency.

The applicants also argue that the available ELDs are not designed to accommodate the needs of their members and not designed to factor in the various exemptions under which they operate. This argument is also without merit. FMCSA has issued clear guidance to motor carriers on how to operate ELDs under an exemption. Compliant devices are required to allow motor carriers and drivers to annotate their entries, allowing them to note when hours recorded in the device should be attributed to exempt time. The applicants' arguments regarding rural connectivity and cybersecurity are baseless, as is their argument that the ELD mandate is inconsistent with federal and state laws banning the use of electronic devices while driving. Drivers are not required or intended to be using the ELD while operating the commercial motor vehicle. Instead, drivers are expected to input change of duty status information and any notations when the vehicle is parked.

Finally, the applicants argue that the cost and burden of enforcement will be too much for the state agencies tasked with enforcing the regulation. CVSA's member jurisdictions strongly support implementation of the ELD requirement and the benefits, both to safety and efficiencies, that will come with it. The ELD requirement will save both the enforcement community and the motor carrier industry time, effort and financial resources, reducing the amount of time a driver spends documenting their hours and reducing the time required for a roadside inspection.

In their request, the applicants assert that the continued use of paper logs by their members will allow the company to maintain a level of safety equivalent to the use of ELDs. However, FMCSA's own research has determined that the use of ELDs will provide an improved level of safety, which is the basis for the requirement in the first place. Therefore, simply continuing the use of paper logs with no additional safety measures or oversight activities cannot result in a level of safety equivalent to the use of ELDs.

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. 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](mailto:collinm@cvsa.org).

Respectfully,



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