February 2, 2010

The Honorable Anne S. Ferro
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Ferro:

The Motor Carrier Safety Advisory Committee (MCSAC) has submitted past reports to the Federal Motor Carrier Safety Administration (FMCSA) using the term "Electronic On-Board Recorders (EOBRs)". MCSAC now recognizes the distinction between electronic systems that solely monitor hours-of-service (HOS) compliance and those that provide additional operational information.

The latter systems, which are widely perceived as "EOBRs," are increasingly under development and deployment and may raise adverse complexity and cost perceptions in addressing broader acceptance and deployment of the former. Therefore, MCSAC has elected to utilize the terms "electronic logging devices" and/or "electronic logging device systems" to identify the former.

In so doing, MCSAC recognizes that the definition of the phrase "electronic logging device systems" incorporates the following characteristics:

- o Tamper resistance, including hardened devices integrally synchronized with the vehicle, secure unique national driver ID, secure portable driver data records, verifiable independent certification, and secure and controlled processes for the product life cycle from design through installation and support
- o Interoperability with universal, baseline requirements
- o Law enforcement interface standard

MCSAC requests that its past reports in years 2007 to 2009 that used the term "EOBRs" be amended to substitute the term "electronic logging device systems".

MCSAC recommends further that FMCSA adopt this change in terminology in future FMCSA documents and pronouncements.

Sincerely,

//signed//

David R. Parker
Chair
Motor Carrier Safety Advisory Committee

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ATA

Office of Public Affairs

NEWS RELEASE

FOR IMMEDIATE RELEASE   Jan. 20, 2010

Truck-Involved Fatality Rate Declines 12.3 Percent in 2008

Arlington, Va. – The trucking industry is safer than ever, according to truck Vehicle Miles Traveled (VMT) figures just released by the Federal Highway Administration (FHWA), and previously released National Highway Transportation Safety Administration (NHTSA) data on crashes. The truck-involved fatality rate in 2008 declined 12.3 percent to 1.86 per 100 million miles from 2.12 per 100 million miles in 2007. This decline marks the largest year-to-year drop ever and the fifth consecutive year the fatality rate has improved.

"These latest figures underscore the trucking industry's tremendous commitment to safety," said Bill Graves, President and CEO of the American Trucking Associations (ATA). "We continue to improve our safety performance while operating under the Hours-of-Service rules."

Since new Hours-of-Service regulations took effect in 2005, the truck-involved fatality rate has come down more than 20 percent and is at its lowest since the U.S. Department of Transportation began keeping those records in 1975. The fatality rate has declined more than 66 percent since 1975.

Persons injured in large truck crashes went from 44.4 per 100 million miles to 39.6, an 11 percent reduction. Injury rates are based on the FHWA's figures that report VMT by truck increased in 2008 to 227.45 billion miles from 227.06 billion in 2007. During that same time, NHTSA reports that the actual number of truck-involved injuries fell to 90,000 from 101,000.

Data on truck-involved fatal crashes can be found here:
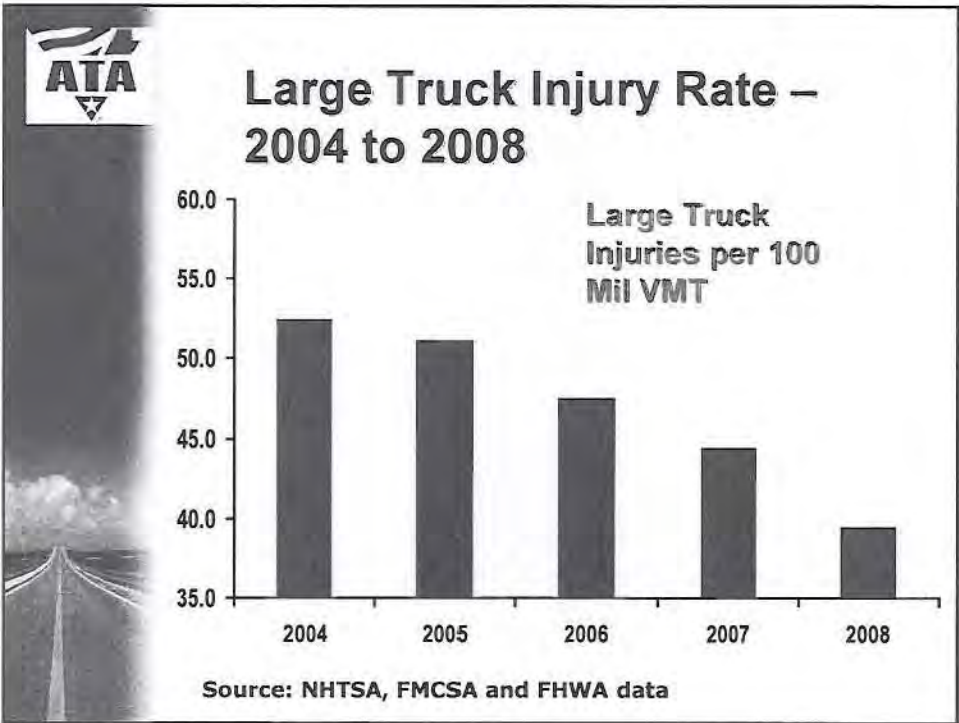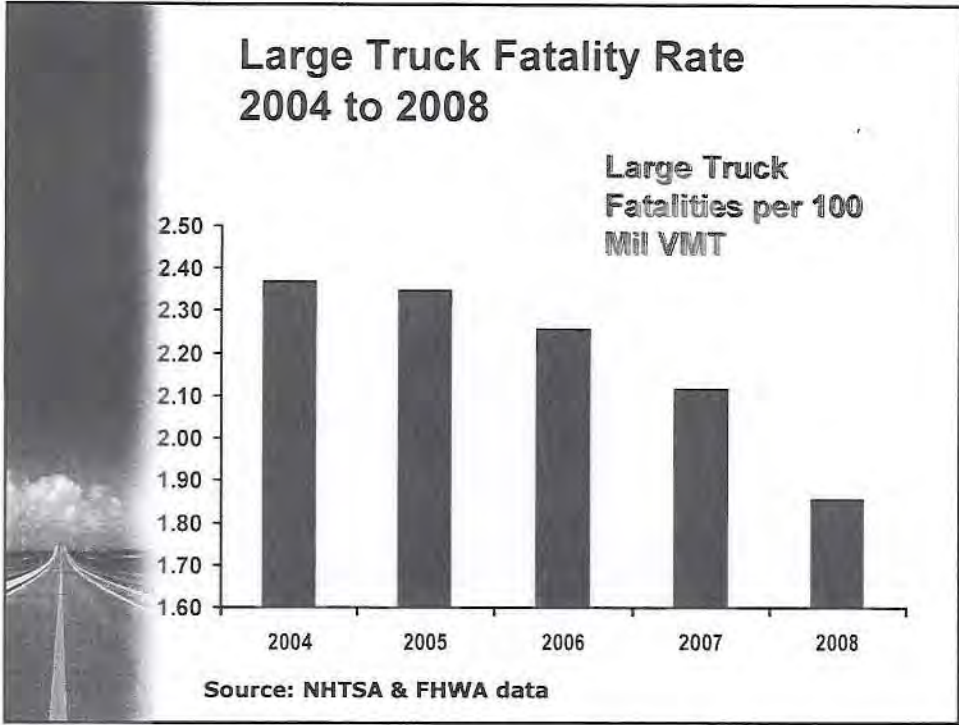http://www-nrd.nhtsa.dot.gov/Pubs/811172.pdf.

Vehicle miles traveled (VMT) by truck can be found here:
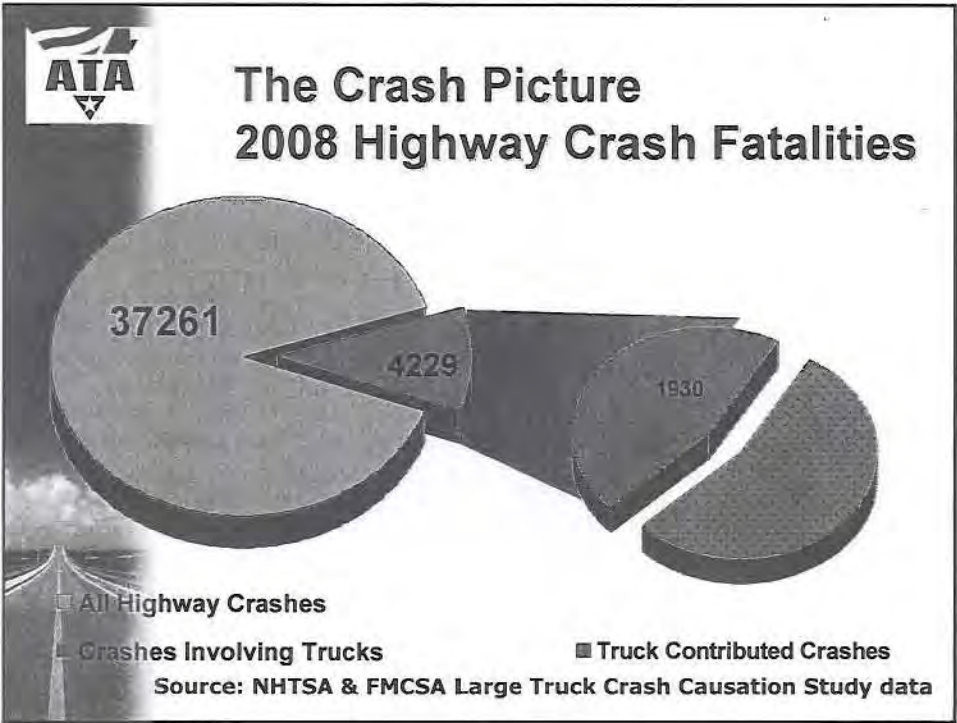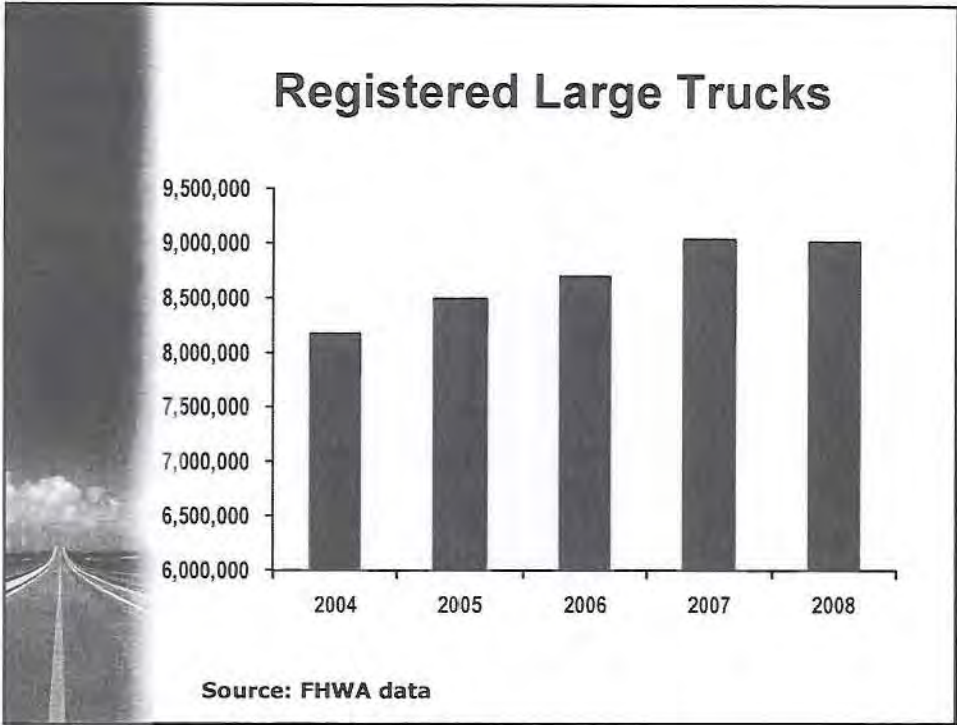http://www.truckline.com/Newsroom/Industry%20Documents/2008%20VMT.pdf

In addition to an established platform of successful safety initiatives, ATA unveiled a bold highway safety agenda in June 2009 designed to further reduce the number of highway-related fatalities and injuries for all drivers on the nation's highways.

The 18 safety policies include promoting greater safety belt use by commercial drivers; re-instituting a national maximum speed limit for all vehicles; speed governing of all trucks; and a decade-long initiative to create a national clearinghouse for drug and alcohol test. To view ATA's entire safety agenda, visit www.truckline.com/safety.

The American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of other trucking groups, industry-related conferences, and its 50 affiliated state trucking associations, ATA represents more than 37,000 members covering every type of motor carrier in the United States.
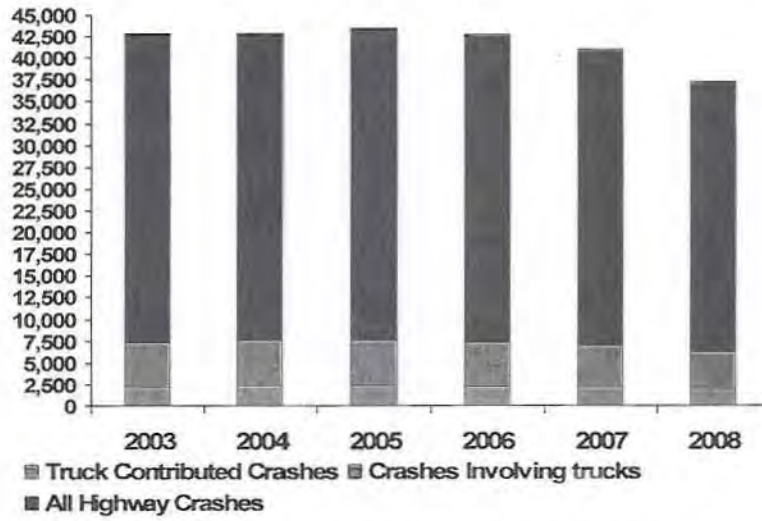
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Large Truck Fatality Rate 2004 to 2008

Large Truck
Fatalities per 100
Mil VMT

Source: NHTSA & FHWA data

Large Truck Injury Rate – 2004 to 2008

Large Truck
Injuries per 100
Mil VMT

Source: NHTSA, FMCSA and FHWA data

1

Registered Large Trucks

9,500,000
9,000,000
8,500,000
8,000,000
7,500,000
7,000,000
6,500,000
6,000,000

2004   2005   2006   2007   2008

Source: FHWA data

ATA

The Crash Picture
2008 Highway Crash Fatalities

37261

4229

1930

All Highway Crashes

Crashes Involving Trucks   Truck Contributed Crashes

Source: NHTSA & FMCSA Large Truck Crash Causation Study data

2

Highway Crash Fatalities

Source: NHTSA & FMCSA Large Truck Crash Causation Study data

3

American Trucking Associations' (ATA) Meeting with OMB on FMCSA's Electronic Logging Rulemaking
February 2010

1. **ATA's Policy Position**
   a. ATA supports the public policy of providing incentives for voluntary adoption
   b. ATA supports the policy of targeting historically non-compliant carriers & drivers with an electronic logging requirement
   c. ATA supports continuation of longstanding exceptions from logging by local drivers (i.e., if no paper logbook today, no electronic logbook tomorrow)
   d. ATA supports lifting the "supporting documents" requirement for carriers using electronic logging systems
   e. ATA supports a policy requiring drivers to operate electronic logging devices in full compliance with the rule
   f. ATA supports basic, functional, performance specifications necessary to accurately record and report HOS compliance and assure reliability and utility of operation. (See Technical Section below)

2. **ATA's Position on Technical Electronic Logging Device Requirements**
   a. ATA supports good information security requirements
      i. Secure management of driver IDs
      ii. Secure data storage and transfer standards

   b. Interoperability of systems & data is a MUST
   c. Certification processes (for design, installation, service) must be seriously considered
   d. Interface standards are a MUST (i.e., for law enforcement and for industry)
   e. Transition strategy is a MUST (i.e., what about existing systems)

3. **Costs**
   a. Minimally functional electronic logging devices are not currently available...only more comprehensive systems (i.e., fleet mgmt systems)
   b. Current fleet management systems with electronic logging module are between $1,000 and $2,000, plus an additional back office cost
   c. If mass produced, minimally functional electronic logging devices (i.e., just the hardware) might be as low as $300-450, with an additional back office cost for managing and storing the data

4. **Related Issues/Questions**
   a. Real incentives (e.g., CSA 2010 credit)
   b. Remedial mandate linked to crashes (fleet size considered?)
   c. Length of remedial mandate

ATA Contacts: Rob Abbott, 703 838 1847 or Dave Osiecki, 703 838 1996

Presentation to:
Motor Carrier Safety Advisory Committee

Key Issues in Considering a US Mandate for Electronic On-Board Recorders

by
Alexis Capelle, Continental Corporation
David Kraft, Qualcomm
Alice Tornquist, Qualcomm

Key Issues in Considering US EOBR Mandate

- Security features and security management approach

- Standardization and baseline requirements

- EOBR manufacturer's product certification and unit calibration certification

- Risks, Needs, & Timeline

- Transition approach & cost factors

EOBR Mandate – Impacts & Requirements

When everyone <u>must</u> use an EOBR, any flaws will be exploited!

What the new regulations and standards for EOBRs must get right –

- Information security requirements
  - Security management of driver IDs – one, unique credential with secure, portable driver data records
  - Secure data storage and electronic transfers with encryption key management controls
  - Hardened systems with tampering prevention and detection requirements
  - Secure and controlled processes for the product life cycle from design through installation and support
- Interoperability with universal, baseline requirements
- 3rd party certification (Common Criteria)
- Law enforcement interface standard
- Timely and fair transition strategy

Observations:

- If the point of a mandate is to eliminate driver log falsification – then it must be 100% effective in doing so.
- The EU digital tachograph regulation has proven effective in addressing the key issues.
- 395.15 and proposed 395.16 appear to be inadequate in addressing the key issues

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Risks of failure to act . . .

Major failures of EOBR systems expected
- EOBRs not trusted – poor HOS data quality and reliability
- No interoperability between systems from different vendors
  - No standardized ID
  - No driver data transfer between different EOBR systems

Consequences for industry
- Recall of EOBRs if vulnerability exposed
- No level playing field (incentive to falsify HOS records)
- No reduction of fatigue related accidents => public image deterioration
- Additional costs of compliance
  - Request to maintain paper logbooks and supporting documents
  - Longer roadside checks
- Additional costs of operation
  - High installation and operation costs of EOBRs
  - Incompatibility of EOBRs from different subcontractors

Consequences for enforcement
- Difficulties or even inability to check RODS from EOBRs
- No improvement of enforcement efficiency
- No trust in EOBR data
- Maintained request of supporting documents
- No reduction of fatigue related accidents

What is needed?

DOT / Congress

- Specifications for EOBR and related systems with precise guidelines in key areas (driver ID, portable driver data records, security model, certification, law enforcement interface)

Active dialogue with key stakeholders

- Ensure that rulemaking is effective in dealing with identified key issues from perspective of industry (including carriers, labor and owner operator groups), law enforcement, and safety advocates

- Closed loop approach in connecting EOBR – HOS – CSA 2010 standards to enable more effective and efficient compliance management

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Timeline Issues

- Mandate language in highway reauthorization (2009 House bill) would direct FMCSA to issue EOBR rule within 1 year with effective date in 4 years
  - Very short rulemaking schedule given the complexity of the issues
  - 4 year effective date target requires fast track implementation of issue solutions

- Path to establishing processes for secure driver IDs is uncertain
  - Options : TWIC (DHS role?), Real ID or Pass ID, EU approach for smart cards, privatized (3rd party) approach

- Security & certification requirements process may be lengthy & iterative
  - Leverage EU specifications or research/develop new criteria
  - Security standards to be defined in regulation or standards process

- Licensing / regulating of EOBR installers and field support is new to US
  - EU approach involves member state licensing and audits – no comparable here
  - Privatized approach with audit may be an option

- CSA 2010 will drive adoption of 395.16 compliant EOBRs beginning in 2011
  - If near term mandate decision, need for additional EOBR rule to address mandate issues – Why not addressed in 395.16?

Transition Approach

- Mandate language in highway bill specifies mandate rule to be effective in 4 years
  - Transition starting line – how long to completion?
- Phase-in strategies
  - EU model where digital tachograph installed in each new truck after May 2006
  - Retro-fit options / requirements? strong incentives (supporting documents)?
- Sunset for previous rule compliant EOBRs
  - How long?
- Mixed mode operations
  - Fleets with combination of electronic and paper logs
  - Driver log: part electronic + part paper = subject to limitations of paper
- Law enforcement readiness
  - Training & certification in new inspection methods
  - Technology investment for electronic inspections
  - Alternative enforcement options?

Cost Factors

- Full costs of EOBRs vs Fleet Management Systems (FMS) fulfilling baseline requirements for e-RODS
  - Baseline EOBRs not available in the US. Example from other countries => hardware ~$300 to $450, back office solution ~$150
  - Old numbers for US EOBR (FMS with EOBR as added application costs) => hardware ~$1000 to $2000, back office solution ~$500
- Regulation requirements should not impose technology that come with monthly operating costs
  - Standardized portable data carrier (=> ~$50 / 5 years)
  - Optional – not required: wireless data extraction with cellular or satellite technology (~$20 to $40 / month)
- Standardization and broad mandate
  - Allow economies of scale for suppliers and carriers
  - Attractive market increases competition
  - Reduce training costs for drivers, carriers and enforcers
  - Allow integration by vehicle manufacturers further reducing costs