

The effort to make the use of EOBR/ELD's mandatory is problematic on several levels. The objective is to make drivers more compliant, thereby increasing safety. First off, there are no statistics that show that compliance equals safety. While safety is the objective, compliance regularly makes drivers more unsafe and far less productive because of a lack of flexibility. ELD's remove needed flexibility.

ELD's record on five lines of duty status, On Duty- Not Driving, On Duty- Driving, Off Duty, Sleeper Berth, and Personal Conveyance. Automatic recorders can not accurately record any of the five categories. The only thing that can be recorded with accuracy is time and GPS location. Even that is disputed by some. One way On Duty- Driving can be falsified is in a situation where driver is in stop and go traffic, the driver simply selects the On Duty- Not Driving status while stopped on the roadway. The ELD will automatically reset to On Duty- Driving when the driver exceeds a preset speed. This happens with the driver never leaving the driver's seat or truly changing Driving duty status.

On Duty- Not driving is the next duty status that is problematic. The machine can not tell what the driver is doing. The driver could be "in attendance" of the vehicle or load and the ELD switched to Off Duty without dispute. This is where harassment will be forced on many drivers. A company could "suggest" that it's drivers use this line to preserve time for the overall 70 hour clock. Any resistance to this idea may cause retribution toward any driver not willing to falsify his true duty status.

Off Duty and Sleeper Berth are likewise not verifiable. The appropriate duty status is depending on driver entry for accuracy. This is another place harassment can take place. A driver may be "urged" to tarp a load or preform maintenance or other duties after the off duty status has been selected for the 10 hour break period. A refusal to optimize time within the limits of the ELD will surely be prime for harassment by a carrier.

Personal Conveyance duty status has been reported by some drivers as a method to get around the driving duty status in the local delivery area of a terminal. Deliveries can be made to appear as if the driver is shopping for personal supplies, thereby cheating the system and looking as if the driver is being compliant.

Considering the above examples of how ELD's are no better than paper logs at accurately recording a drivers duty status, there are still problems beyond that. With a paper log, the driver has the last right to declare his/ her final duty status. With ELD's that right to edit his/ her final log entry is taken from the driver and given, according to guidance, to "supervisory motor carrier official to accurately reflect the driver's activity". A driver could have his duty status modified without his consent or knowledge.

ELDs are sometimes welcomed by some drivers because the driver doesn't have to do the math required in a daily log. This convenience that the ELD provides along with automatic location entry makes it a popular item with many drivers. Yet, there is no discussion about automatic log book applications that are available that do almost all the same functions as an ELD. These apps are available at a lower price and are just as easy to use and effective as an ELD in recording duty status and the location of a driver. Non of which infringes on privacy rights of the driver nor do they need to be tied into the engine of the truck.

Even though to above examples show that the ELD is relatively useless in reducing falsification of duty status, there is still another aspect to this proposal. Many say, "follow the money". If this rule would force the purchase of 1.5 million more units at as little as \$1000. each, that would cost the industry \$1.5 trillion for initial installation. At 2.5 to 3 million units in use at a required monthly subscription cost of \$15., that would be \$37.5 - \$45 million dollars per month expense to the industry.

There are yet still other concerns. With current rules a driver is not required to leave a copy of duty status with any or every official that may choose to inspect the driver's duty status record. The electronic version would force the driver to relinquish control of private information beyond what is needed for HOS compliance. This opens the door for harassment by law enforcement. Additionally, what sort of backup will be required of drivers in the event of loss of function of the ELD?

Finally, the question of who owns the information contained in the ELD must be addressed. Does operating a commercial vehicle mean that a driver is forced to give up his/ her constitutional rights? There will be challenges to this rule based on the 4th and 5th amendments along with the harassment implications. The ELD doesn't stop harassment, it standardizes it. The field was level until it was voluntarily moved from a required standard to a more restrictive management tool to compensate for poor training of proper logging of duty status to reduce log book violations. Now the educated, safe, experienced drivers will be forced to use the same management tools to make us all ultimately less productive and more unsafe to compensate for a lack of training and experience.

In spite of the proponents claims, these machines do very little for safety. I urge you to scrap this rule and focus on proper training for drivers. Set standards for driver training and driver trainers. The most effective piece of safety technology is a well trained driver. Thank you.

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