

Electronic On Board Recorder Legislation

U.S. Secretary of Transportation, Ray LaHood, has introduced a large number of brand new regulations from environmental restrictions to safety guidelines. These new restrictions will likely cause additional stress to an already strained transportation environment. The impact of pending legislation will be felt by carriers, their drivers and the shippers.

Monitoring of drivers through the use of Electronic On Board Recorders (EOBR's) is an example of a controversial legislation being strongly considered for implementation by the Federal Motor Carrier Safety Administration (FMCSA). With EOBR's, third parties are able to determine and record the precise running time of a truck from a single device installed in the driver's cab. The device will monitor the actual driving time of each driver, consequently eliminating log books and driver hours of service record keeping in a paper format.

It is expected that the legislation that will require EOBR's to be installed in trucks could be passed within the next 12 months. Both independent truck drivers as well as carriers who violate the hours of service rule can be required to install EOBR's in their trucks. The FMCSA estimates that roughly 10 percent of violators will be required to install an Electronic on Board Recorder in order to monitor their driving activities. Whenever and wherever the truck is moving, the EOBR will be able to monitor and report the location, driving time and stopping time and send the information to a third party device for reporting purposes. Drivers violating the safety procedures will have the option to maintain the information on the recorder but the recorder will be programmed to keep the original as well as fed information intact for future use. The information will be digitally recorded and will be available in case of an accident so that the safety officials can retrieve the data.

The EOBR will keep track of all operational and functional processes; record the truck loading and unloading time with location, as well as all operation time, and other stops. It will also store the time a driver spends on his sleeping break.

Many carrier organizations, as well as independent owner operators oppose the passing of this brand-new requirement. The first target of implementation will be truck drivers who violate the Hours of Service (HOS) rules at the time of implementation. In the event of an accident, the FMCSA believes the data recorded on the EOBR's may determine whether a driver was guilty or not of inattentive driving. The EOBR can identify whether or not the truck driver was out of HOS at the time the accident occurred.

As we have in the past, we want to alert our clients of the Comprehensive Safety Analysis (CSA) scoring methodology. This is an issue that must be addressed to avoid the potential liability in case one of your carriers with a less than optimal CSA rating is involved in an accident when carrying your freight. You need to know and monitor how your carriers are performing in each of the seven Behavior Analysis Safety Improvement Categories (BASICS), which is the Safety Measurement System the FMCSA is using to track driver performance.

In addition, you need to document and clearly communicate your policy on carrier selection criteria in this area.

To learn more about how our Logistics Consulting Team can assist you in this area, please contact please contact Karin Speaker at Karin.Speaker@Data2Logistics.com or 239 707 7204.