



Owner-Operator Independent Drivers Association

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February 28, 2018

The Honorable Bill Shuster
Chairman
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation & Infrastructure
2164 Rayburn House Office Building
Washington, DC 20515

The Honorable Sam Graves
Chairman
Subcommittee on Highways & Transit
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Eleanor Holmes Norton
Ranking Member
Subcommittee on Highways & Transit
2164 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shuster, Ranking Member DeFazio, Chairman Graves and Ranking Member Norton,

On behalf of the 160,000 members of the Owner-Operator Independent Drivers Association (OOIDA) and countless more small-business truckers, we respectfully request the Committee on Transportation & Infrastructure urgently conduct an oversight hearing on the critically flawed implementation of the Federal Motor Carrier Safety Administration's (FMCSA) electronic logging device (ELD) mandate.

Among the fundamental responsibilities of Congress is to maintain vigorous oversight of the federal agencies it tasks with implementing new regulations, especially those that will have a significant impact on American businesses and the nation's economy. This ensures the accountability of federal regulators and provides transparency that public funds are utilized in a responsible and efficient manner. When a federal agency has failed to effectively implement a Congressional requirement to the extent FMCSA has, it is the obligation of elected officials to examine the agency's actions and determine what administrative or legislative remedies are needed.

Prior to the \$2 billion mandate taking effect in December 2017, OOIDA and over 30 other industries impacted by the rule shared serious concerns with you that the agency, law enforcement and the regulated community were not prepared for implementation. These concerns have been validated, as FMCSA has granted a patchwork of temporary waivers, exemptions, and "soft enforcement" deadlines that have only caused more confusion across the country.

The range of problems associated with the mandate are illustrated by the number and diversity of industries requesting exemptions from its requirements, including those submitted by entities who helped convince Congress to enact the regulation back in 2012. As we warned, the impact of the rule has been much broader than even its most ardent supporters anticipated.

Exemption requests have even been filed by manufacturers of ELDs currently on the market – and still listed on the FMCSA website as available for purchase – who have discovered their devices are not fully compliant. These compliance issues came as no surprise to the truckers who have been forced to use ELDs. Since the mandate took effect, truckers have routinely shared with us substantial troubles they’ve experienced related to devices, including several vendor-wide systems failures, faulty GPS tracking, inaccurate recording of duty statuses, engine disablements, speed irregularities, abysmal customer service from manufacturers, a worsening truck parking crisis and many more.

Unfortunately, FMCSA has taken no steps to remedy these mounting issues or even inform truckers their devices may not be compliant. Instead, the agency is relying on vendors to fix their equipment. Truckers are left wondering why the federal government allowed ELDs to be self-certified by manufacturers in the first place and what is being done by regulators to develop greater certainty for all stakeholders.

This has led to growing concern among Members of Congress about how the mandate has been implemented and how it is affecting their constituents. Each week, OOIDA fields calls from Congressional offices looking for assistance with addressing serious problems brought to their attention by local truckers. Furthermore, state legislatures across the country are considering resolutions calling for the federal government to repeal the mandate, as well as legislation prohibiting its enforcement within their borders. Clearly, this federal requirement is having a dramatic impact on the state and local level.

An oversight hearing, which has already been requested by federal legislators, would certainly help your colleagues better understand the difficulties their constituents are experiencing, how they can be addressed, what administrative or legislative remedies may be needed and why Congress should avoid enacting one-size-fits-all mandates on industries as diverse as trucking. OOIDA believes the time has come for your Committee to exert its oversight authority and conduct a hearing on this important matter to help alleviate current problems and avoid any future difficulties.

Sincerely,



Todd Spencer
Acting President & CEO
Owner-Operator Independent Drivers Association, Inc.

cc: Members of the Committee on Transportation & Infrastructure