

# Rough Road

# Ahead

**Motor carrier safety is going high-tech. Electronic On-Board Recorders (EOBRs) are the latest devices designed to track the number of hours a commercial vehicle is operated and they are being installed in trucks across the country.**

The overall goal of the new technology is to regulate the Hours of Service (HOS) for a particular driver to prevent fatigue behind the wheel. While EOBRs currently are not mandatory, proposed legislation could change all of that. Drivers have been using paper-based log books to record their vehicle operating time. In theory, EOBRs should relieve drivers from the responsibility of writing down their hours, while also providing accurate driving



records for authorities to review. However, carriers who have switched to the paperless logging method have come to discover that it isn't quite that simple.

## What's the Problem?

The Motor Carrier Safety Advisory Committee (MCSAC) has been deliberating for months, hammering out a number of issues that have been recognized as more carriers install EOBRs. The advisory board is comprised of 19 volunteers representing various areas of the transportation industry, including law enforcement, independent drivers, safety advocates and the Teamsters union, (whom the board regularly turns to for advice and recommendations). One of the hot-button issues currently

faced by the advisory board is the way in which authorities retrieve a truck drivers' log information from the EOBR. A number of security issues have come to light and are complicating this seemingly simple operation.

## Laying Down the Law

One suggested method for obtaining this data is to require law enforcement to enter truck drivers' cabs and read the log information available on the EOBR screen. However, this is being met with resistance from police. Not only are they concerned this will jeopardize their own safety, but they also view this as intrusive upon the driver and do not wish to implement a practice that could be misconstrued as harassment.

Another proposed option would require law enforcement to purchase printers that truck drivers could plug into their EOBRs to print a copy of their driving log. With budgets being tight, however, police do not want to incur the printer expense. Furthermore, it would be a challenge to find a printer that is not only durable enough for the job, but also compatible with all of the EOBR devices on the market. Additionally, there is apprehension over the security risk posed by a computer virus being transferred from a police device to a driver's device, and vice versa.

Law enforcement officials have suggested an alternative resolution that they find more appealing. Officers would like to implement a rule that would require the driver to do one of two things: 1) Drivers would be required to print out their log data for the past seven days for official review; or 2) Drivers would have to copy the information from the EOBR into a standard paper log sheet and certify that it accurately represents the data contained in the EOBR.

Henry Jasny, general counsel for Advocates for Highway and Auto Safety, has spoken out against ordering drivers to manually fill out logs based on their EOBRs, pointing out that "Requiring the driver to fill out a paper log by hand, based on their EOBR readout, runs counter to the point of using EOBRs to improve accuracy and efficiency."<sup>1</sup> Despite this argument, law enforcement officials still believe manual logs are a reasonable expectation since drivers won't have to complete them very often – most trucks are inspected no more than a couple times a year. They further argue that it might be a more realistic alternative as opposed to requiring the trucking industry to purchase 8 million printers. Still,

Rob Abbott, Vice President of Safety Policy at American Trucking Associations, pointed out in the September 9, 2011 issue of the *Washington Report* that the overarching trend is toward a paperless business environment, and that allowing law enforcement to require drivers to copy their EOBR readout is a step backwards.

## Any Other Ideas?

Some argue that it should be the carrier's responsibility to either provide a method of printing the data or return a digital read-out of the stats. Carriers who already use EOBRs typically have them as a component of an overall safety management information system; consequently, they have a financial commitment to the technology which makes it easier to justify the cost of a printer or a digital readout. For smaller carriers and independent drivers, however, this kind of substantial investment is simply unobtainable.

It would be fairly simple and relatively inexpensive for drivers to download their EOBR logs onto USB devices (such as a flash drive) that they could then hand over to police officers to plug into a laptop. However, there are significant security concerns surrounding this approach that are prompting some states to ban the use of USB devices for this purpose because they cannot fully protect themselves from viruses or malware.

## Waiting for Answers

It is hard to say what option would best resolve this issue – and this is only 1 of 16 EOBR-related issues that MCSAC is currently debating. Other areas under consideration regarding the electronic logs include security protocols for peer-to-peer data exchange; guidelines for transferring existing EOBR systems from trucks that are being rotated out of the fleet and plugged into new trucks; how to identify drivers without compromising privacy or security; and how to determine when a tractor is being used as a personal conveyance as opposed to commercial operation. Given the potential mandate to install EOBRs on every motor carrier, the advisory panel hopes to deliver recommendations to the safety agency by early 2012. SilverStone Group will closely monitor the EOBR debate and provide updates as they become available.

<sup>1</sup> Patton, Oliver. "EOBR Details Complex and Messy." *The Washington Report*. September 9, 2011. Accessed on November 16, 2011 at [http://www.truckinginfo.com/washington-report/news-detail.asp?news\\_id=74678&news\\_category\\_id=152](http://www.truckinginfo.com/washington-report/news-detail.asp?news_id=74678&news_category_id=152)

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