

## ***Safety Groups and Families of Truck Crash Victims Support a Statutory Mandate for Electronic On-Board Recorders on All Trucks and Buses to Prevent Crashes, Deaths, and Injuries***

- **Truck Drivers Are Severely Fatigued and Sleep Deprived from Working and Driving Long Hours:**
  - The National Transportation Safety Board (NTSB) has repeatedly demonstrated that commercial drivers are highly sleep deprived, fatigued, and that truck driver fatigue is a major source of fatal crashes.
  - In studies performed in 1990 and 1995, NTSB found that about 30 to 40 percent of truck driver fatal crashes were directly attributable to truck driver fatigue.
  - Insurance Institute for Highway Safety (IIHS) analysis of survey data in 2006 showed that *the percentage of truck drivers admitting that they fell asleep at the wheel increased from 13 percent in 2003 to 21 percent in 2005 – an increase of 50 percent.*
- **Truck Driver Fatigue and HOS Violations Are Recognized As Safety Problems Worldwide:**
  - Fatigue and sleep deprivation leading to big truck crashes are worldwide safety problems that have led many nations to protect drivers from being overworked by electronically recording their driving hours.
  - In the European Economic Community (ECE), although most truck drivers are allowed only 40 to 50 hours of driving each week, truck drivers must record driving hours with tamper-proof digital tachographs.
  - Mandatory On-Board Recorders in big trucks to measure the driving time of commercial drivers are currently required in all European Union countries, Morocco, Argentina, Brazil, Peru, Uruguay, Venezuela, Israel, Turkey, Japan, South Korea, Singapore, and are under consideration in Australia because of the very high rate of fatigued truck driver crashes.
- **Truck Drivers in the U.S. Are Chronically Violating Hours of Service (HOS):**
  - Many studies and surveys have shown that truck drivers will violate HOS limits on driving and working time, and illegally reduce their off-duty rest time, no matter how high the limits are set for working and driving hours per day or per week.
  - IIHS found in surveys conducted in 2004 and again in 2005 that truck drivers *drove longer hours after the HOS were dramatically raised than under the prior rule allowing fewer hours of driving.*
  - One in 5 truck drivers drove longer each day after the new rule took effect in Jan. 2004.
  - IIHS also found that *three-quarters of interviewed drivers violated one or both limits on maximum working hours or maximum driving hours.*
  - Similar findings were discovered in the late 1990s by the University of Michigan showing truck drivers dramatically exceeding HOS limits: *20 to 25 percent of truck drivers violated HOS limits and, similar to the IIHS finding, one in 5 drivers fell asleep at the wheel.*
- **Truck Drivers Routinely Falsify Logbooks:**
  - The Commercial Vehicle Safety Alliance (CVSA) has found repeatedly that the most common truck driver violation by far is HOS infractions and logbook falsification, *with annual Roadcheck violation rates of more than 50 percent of drivers' logbooks reviewed.*

- **Thousands of Trucks Already Have EOBRs:**
  - IIHS found in its 2005 survey that 45 percent of truck drivers interviewed had installed EOBRs.
  - Many motor carriers, including some of the largest companies in the U.S. such as Schneider National and Werner Enterprises, use EOBRs on all their trucks.
  
- **The U.S. Department of Transportation Has Repeatedly Failed to Mandate EOBRs:**
  - Safety organizations submitted several petitions over a span of 20 years asking U.S. DOT to mandate EOBRs to stop logbook falsification and truck driver fatigue – *all were denied*.
  - NTSB *for more than 30 years* has called for EOBRs to be installed on *all* commercial motor vehicles and has also made EOBRs a top priority by placing the issue on its current list of the *Most Wanted Transportation Safety Improvements*.
  - NTSB regards U.S. DOT's response to its EOBR recommendation as *Unacceptable*.
  - Congress intervened in 1995 to require the Secretary to address the issue of EOBRs in Section 408 of the Interstate Commerce Commission Termination Act of 1995; however, U.S. DOT did not act until 5 years later to propose EOBRs on certain trucks.
  - Similarly, the U.S. Court of Appeals in its July 16, 2004, unanimous decision vacating the 2003 HOS rule, emphasized FMCSA's failure to address the safety issue of EOBRs for monitoring truck driver HOS compliance.
  - Despite strong Congressional direction and endorsement of EOBRs by the U.S. DOT OIG, FMCSA issued a final rule in 2003 that *dramatically increased* HOS limits, but at the same time *withdrew its proposal for mandatory EOBRs*.
  
- **Numerous Safety Leaders and Motor Carrier Officials Have Called for Mandatory EOBRs:**
  - In Senator Lautenberg's opening statement at the May 2007 hearing on EOBRs held by the Senate Committee on Commerce, Science, and Transportation, he stated: "We need electronic on-board recorders in every truck on the road to ensure the safety of our truck drivers and our families who travel on the highways."
  - Mark Rosenker, former NTSB Chairman, has repeatedly endorsed mandatory use of EOBRs in speeches and Congressional testimony.
  - In 2007 Congressional testimony, he severely criticized FMCSA's proposed rule for EOBRs as completely misguided: "[T]he Safety Board is concerned that the NPRM proposes using EOBRs as a form of remediation or punishment, when the technology has significant potential for increasing the safety of all motorists."
  - The current Chair of NTSB, Deborah Hersman, has also repeatedly emphasized the need for a U.S. DOT requirement for EOBRs on all commercial motor vehicles.
  - Captain John Harrison, President of the Commercial Vehicle Safety Alliance, the tri-national association of commercial motor vehicle law enforcement officials, stated at the same hearing: "EOBR technology is proven. More than 50 countries have mandated Electronic Data Recorders for driving and standby time recording and/or speed and distance recording."
  - The American Trucking Associations (ATA), the largest trucking interest organization in the U.S., supports an EOBR mandate: "ATA foresees a future state where certain trucking operations are required to use EOBRs for hours of service recordkeeping." Statement of Richard Reiser, Exec. Vice-President and Chief Counsel, Werner Enterprises, May 7, 2007.
  - The Canadian Trucking Alliance called for universal use of EOBRs in a 2004 policy statement.

- **The Most Recent FMCSA EOBR Proposal Was Absurdly Weak:**
  - The Federal Motor Carrier Safety Administration (FMCSA) proposed a regulation for EOBRs in 2007 that will require them on only several hundred trucks of the more than 700,000 motor carriers registered with FMCSA for interstate commerce.
  - Motor carriers would be required to install EOBRs only after two successive violations enforced by FMCSA, and motor carriers would be able *to remove the EOBRs after only 2 years*.
  - The rule allowed more than 99 percent of other motor carriers to continue to use paper logbooks.
  - In his opening statement at the May 2007 hearing on EOBRs, Senator Lautenberg stated: "I'm not sure the trucking industry themselves could have written a more favorable proposal."
  
- **Despite Ongoing HOS Violations and Paper Logbook Falsification FMCSA Has not Promised to Issue a Strong EOBR Regulation:**
  - FMCSA recently indicated that it will still issue a final rule on mandatory EOBRs that will require them *only on motor carriers that the agency has found to be in violation of HOS requirements*.
  - FMCSA has indicated that it will "consider" another rulemaking proposal for a "more wide-spread" EOBR requirements, but has not stated how wide those requirements would be if it chooses to open rulemaking again on EOBRs.