

**INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY**

December 8, 2004

The Honorable Annette M. Sandberg  
Administrator  
Federal Motor Carrier Safety Administration  
400 Seventh Street S.W.  
Nassif Building, Room PL-401  
Washington, D.C. 20590-0001

**Electronic On-Board Recorders for Hours-of-Service Compliance  
Advance Notice of Proposed Rulemaking  
Docket No. FMCSA-2004-18940, FMCSA-2004-17286**

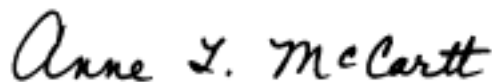
Dear Ms. Sandberg:

On November 26, 2004, the Canadian Trucking Alliance (CTA) called for the mandatory use of electronic onboard recorders (EOBRs) to monitor compliance with Canadian hours-of-service rules. CTA is a federation of the seven provincial trucking associations. Its statement and accompanying press release are attached.

According to CEO David Bradley, the "days of the paper log book should be numbered." He stated that EOBR technology is "imperative from a safety point of view, which of course is paramount, but also in terms of providing responsible carriers with a level playing field with competitors who might otherwise choose to bend or break the rules to increase driving time." CTA called on federal and provincial governments to work with the trucking industry to make this a reality.

The Institute applauds CTA's progressive stance and submits this as further evidence that an EOBR mandate in the United States is long overdue and will, in fact, be embraced by many segments of the North American trucking industry. We urge the Federal Motor Carrier Safety Administration to bring the United States in line with European and Canadian counterparts in moving this important issue forward.

Sincerely,



Anne T. McCartt, Ph.D.  
Senior Research Associate

cc: Docket Clerk, Docket No. FMCSA-2004-18940, FMCSA-2004-17286

Attachments



# NEWS RELEASE

For Release:  
November 26, 2004

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The Canadian Trucking Alliance is a federation of the seven Canadian provincial trucking associations representing approximately 4,000 motor carriers and is dedicated to serving the national and international interests of Canadian motor carriers.

## **Trucking Industry Calls for Adoption of New Driver Hours of Service Rules and 'Black Boxes'**

*CTA Chief: New More Progressive Industry Emerging from Battleground of Deregulation*

(Ottawa: November 26, 2004) -- The Canadian Trucking Alliance (CTA) says that a new trucking industry is emerging from the battleground of economic deregulation and announced today that it is calling for the immediate adoption of the draft regulations for a new federal regulation and national standard governing truck driver hours of service which was approved last year by the Council of Ministers Responsible for Transportation & Highway Safety. And, in a landmark decision, the trucking alliance which has over 4,500 member companies across the country, is calling for the mandatory use of electronic on-board recording technology (generically but inaccurately called 'black boxes') to ensure compliance with the new rules.

In a statement issued to government officials and the media today, CTA's CEO, David Bradley, states that CTA has no quarrel with proposed new restrictions on daily/weekly driving times and a 24% increase in daily rest time as compared to the existing rules. He says CTA "is not, as has been incorrectly reported by some in the media, seeking longer driving times. CTA has always worked towards hours of service regulations that are consistent with the science of alertness and fatigue management." CTA is also dropping its pursuit of a controversial and widely misunderstood proposal it says was designed to address truck driver concerns over time available to cope with delays beyond their control but which has failed to garner sufficient support.

CTA's call for the mandatory use -- for all trucks governed by the National Safety Code and where a commercial drivers licence is required -- of electronic on-board monitoring technologies may come as a surprise to some, but Bradley says it is "imperative from a safety point of view, which of course is paramount, but also in terms of providing responsible carriers with a level playing field with competitors who might otherwise choose to bend or break the rules to increase driving time."

"The days of the paper log book should be numbered," he says. CTA is urging the federal and provincial governments to commence negotiations with CTA to enter into a joint government-industry memorandum of understanding on how best to make this a reality.

Bradley says by agreeing to the new hours of service regulations, the industry will be giving up some of its flexibility and its productivity for certain shipments, especially long hauls and multi-stop deliveries. So, he is also calling on the industry's customers, the shippers and consignees, to work with the trucking companies and their drivers to make the supply chain more efficient by reducing the time drivers are forced to wait to be loaded or unloaded. "Carriers and drivers will be even less tolerant of delays," he says. And, they deserve to be paid for delays and the extra services we provide. They deserve to be treated with respect and understanding by shippers and consignees."

According to Bradley, the trucking industry is at a watershed. He said CTA does "not seek to turn the clock back to the days before deregulation. But, we also must move on. The industry can no longer sustain increases in costs, and resolve the shortage of truck drivers, and meet society's demand for safer, more environmentally-friendly transportation, let alone earn a decent return on investment, without a widespread overhaul of current rate structures."

He said "the trucking industry will continue to set the standard in terms of service to the Canadian businesses that need to get their goods to market, both domestically and internationally. We will continue to be the workhorse of the Canadian economy. But, we are no longer able or willing -- either by putting our companies at risk or on the backs of our drivers -- to subsidize the shipping community."



## **Statement from the CEO of the Canadian Trucking Alliance On The Proposed New Truck Driver Hours of Service Regulations**

*The Canadian Trucking Alliance (CTA) announces today that it is no longer pursuing a controversial and widely misunderstood proposal currently under review by the Canadian Council of Motor Transport Administrators (CCMTA) designed to allow truck drivers some additional time to cope with delays beyond their control. The proposal, if adopted, would have avoided a situation where drivers would be penalized for taking more than the prescribed daily rest time. Instead, CTA calls for the immediate adoption of the draft regulations for a new federal regulation and national standard governing truck driver hours of service as already endorsed by the Council of Ministers Responsible for Transportation & Highway Safety. In addition, CTA calls for the mandatory use of electronic on-board recording technology to enhance safety through improved compliance with the new rules.*

### ***Background: Truck Driving Hours Will Be Reduced, Rest Time Increased***

Under draft regulations which have already been endorsed by the Council of Ministers Responsible for Transportation and Highway Safety, truck drivers face new restrictions on driving time on both a daily and weekly basis as well as a requirement for a minimum of 25% more rest time per day. CTA has no quarrel with these changes and is not, as has been incorrectly reported by some in the media, seeking longer driving times. CTA has always worked towards hours of service regulations that are consistent with the science of alertness and fatigue management. What CTA has up until today been proposing is a change to the length of time that a driver has available during the day to complete all his required driving time without forfeiting rest time for meals, hygiene breaks and naps when he feels the need.

Under existing regulations there is no fixed time limit on when a truck driver must complete his shift. The hours of service regulations as currently drafted would require a driver to complete all of his driving, other duties, rest and meal breaks within 16 hours of coming on duty. In the majority of cases, this is likely to be adequate. However, for certain drivers, particularly long haul drivers and drivers with multi-stop deliveries, in order to complete their shift they cannot experience any delays and unfortunately this is not reflective of the real world. As the rules are presently drafted a driver who is delayed while his truck is being unloaded, for example, would be required to subtract that time from his allowable total of 16 hours. CTA is concerned that this loss of productivity will cause some drivers to feel pressured to drive when they might otherwise rest in order to make up the time lost during delays.

CTA was pleased when the CCMTA embarked on a review of a proposal from Transport Canada to amend the draft hours of service regulations to extend – at the driver's option – the daily “working window” from the proposed 16 hours to 18 hours. Although there have been many inaccurate media reports recently that CTA has been calling for more on-duty time for drivers, what we have in fact been seeking could be most accurately described as “12 hours off and 14 on.” In contrast, the current government proposal provides for 10 hours off and 14 on-duty.

### ***Responding to Concerns of Our Drivers***

CTA's interest in initiating the proposal in the first place was to try and reasonably respond to concerns raised by many truck drivers, over whether they would have enough flexibility in the proposed new hours of service regulations to cope with delays experienced, predominantly at shipper

or consignee loading docks and still get their driving hours in. However, the CTA proposal for increased off-duty time has somewhat surprisingly not won the broad support of several key driver organizations. Consequently, CTA sees no point in proceeding on a proposal designed to help drivers if driver organizations do not see fit to support it. CTA will not allow a divisive public squabble with its industry partners to interfere with the prompt completion of a new, safer hours of service regime in Canada. Nor does it have any intention of propagating the inevitable misinformation and hysteria so often whipped up by the media on anything pertaining to the trucking industry's safety performance.

### ***Turn the Draft Regulations Into Law Now***

CTA does not wish to see the draft regulations agreed to by the federal and provincial ministers held up any longer. We urge the country's legislators to move quickly to turn the draft regulations into law.

### ***Work With Industry to Introduce Mandatory Electronic Recording Technology***

Moreover, with the loss of the potential flexibility the additional off-duty time would have provided, CTA endorses the introduction of requirements – which would be mandatory -- for electronic on-board monitoring technologies to improve safety through compliance with the rules. These requirements would apply to all operators and drivers of vehicles covered by the National Safety Code, where the driver is required to hold a commercial licence. However, consideration may be provided for drivers who are not currently required to complete a paper log book for a specific type of trip. This is not only imperative from a safety point of view, which of course is paramount, but also in terms of providing responsible carriers with a level playing field with competitors who might otherwise choose to bend or break the rules to increase driving time. The days of the paper log book should be numbered. CTA urges the federal and provincial governments to commence negotiations with us to enter into a joint government-industry memorandum of understanding on how best to make this a reality.

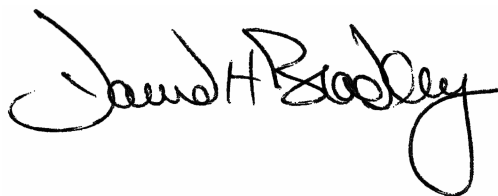
### ***Our Customers: Work With Us***

Without our customers, our industry does not exist. Our customers – the shippers and their customers – have a major role to play in making the new rules work and in creating an even safer trucking industry. There can be no doubt that the trucking industry will give up some productivity under the new Canadian hours of service rules. They will be less flexible, and with the introduction of electronic monitoring technology, carriers and drivers will be less susceptible to pressures to bend the rules. Carriers and drivers will be even less tolerant of delays in loading or unloading. Our carriers and their drivers deserve to be paid for delays and the extra services we provide. They deserve to be treated with respect and understanding by shippers and consignees. We will need to continue to work together to find other efficiencies in the supply chain.

### ***A New Trucking Industry is Emerging***

In closing, the Canadian trucking industry is at a watershed. It is moving to a new phase, having learned from but leaving behind the first phase of the post-deregulation environment which was characterized by an explosion of new entrants (some of whom should never have been allowed to enter the industry), blood-thirsty competition, increased service demand, downward pressure on freight rates and depressed driver pay. Of course, some of that was the desired outcome of economic deregulation. There can be no doubt that the Canadian economy benefited from deregulation and the trucking industry continued to grow and expand. We do not seek to turn the clock back to the days before deregulation. But, we also must move on. The industry can no longer sustain increases in costs, and resolve the shortage of truck drivers, and meet society's demand for safer, more environmentally-friendly transportation, let alone earn a decent return on investment, without a widespread overhaul of current rate structures.

The trucking industry will continue to set the standard in terms of service to the Canadian businesses that need to get their goods to market, both domestically and internationally. We will continue to be the workhorse of the Canadian economy. But, we are no longer able or willing – either by putting our companies at risk or on the backs of our drivers – to subsidize the shipping community.

A handwritten signature in black ink, reading "David H. Bradley". The signature is written in a cursive, flowing style with a large, prominent loop at the end of the last name.

David H. Bradley  
Chief Executive Officer  
Canadian Trucking Alliance