



## THE SECRETARY OF TRANSPORTATION

WASHINGTON, DC 20590

June 12, 2015

The Honorable Thad Cochran  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

House of Representatives Report No. 113-136, which accompanied the Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2014 (H.R. 2610), directed the Secretary of Transportation to evaluate the impact of Electronic Logging Devices (ELD) on small business operators and consider a low-cost option to address any adverse impacts in carrying out the requirements of section 32301 of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

Section 32301 mandated that the Secretary adopt regulations requiring that commercial motor vehicles (CMV) operating in interstate commerce, by drivers who are required to keep records of duty status (RODS), be equipped with ELDs. The statute sets out the provisions that the regulations must address, including device performance, design standards, and certification. In adopting these regulations, the Federal Motor Carrier Safety Administration (FMCSA) must consider how the need for supporting documents might be reduced, to the extent that the data is captured on an ELD, without diminishing hours-of-service (HOS) enforcement.

Pursuant to section 32301, FMCSA published the *Electronic Logging Devices and Hours of Service Supporting Documents Supplemental Notice of Proposed Rulemaking* in the Federal Register on March 28, 2014. The Supplemental Notice of Proposed Rulemaking (SNPRM) establishes minimum performance and design standards for ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare RODS; requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. We expect that the final ELD rule, currently under review within FMCSA, will be published this fall.

As FMCSA acknowledged in the SNPRM, small businesses may need additional information and guidance in order to comply with the ELD regulations. Accordingly, the Agency intends to conduct outreach aimed specifically at small entities, at no charge to the participants, which will explain in plain language the compliance and reporting requirements imposed by the rule.

The Honorable Thad Cochran  
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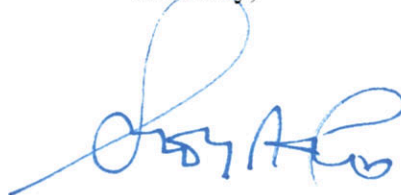
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The Regulatory Flexibility Act of 1980 (Public Law 96-354) requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. In accordance with that statute, the Regulatory Flexibility Analysis which accompanies the ELD rule will contain all of the statutorily required elements, including the Agency's response to any comments on the proposed rule by the Chief Counsel for Advocacy of the Small Business Administration, a description and estimate of the number of small businesses to which the rule will apply, a description of the recordkeeping, reporting and compliance requirements, and a description of the steps the Agency has taken to minimize the significant economic impact on small entities consistent with the stated objective of applicable statutes.

If I can provide further information or assistance, please feel free to call me. I have sent a similar letter to the Vice Chairwoman of the Senate Committee on Appropriations; the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the House Committee on Appropriations; and the Chairman and Ranking Member of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

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Anthony R. Foxx





## THE SECRETARY OF TRANSPORTATION

WASHINGTON, DC 20590

June 12, 2015

The Honorable Barbara Mikulski  
Vice Chairwoman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

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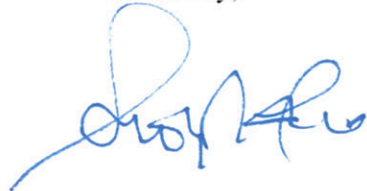
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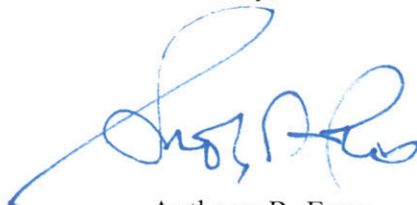
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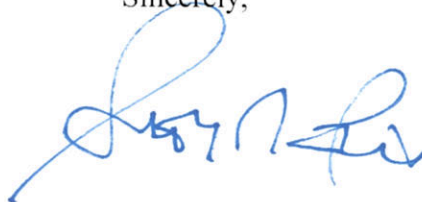
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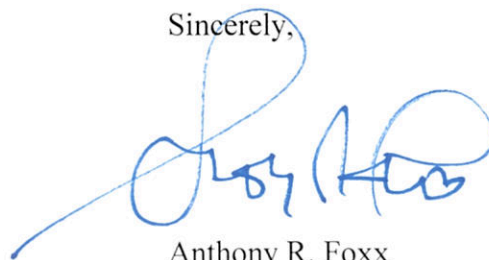
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WASHINGTON, DC 20590

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The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
U.S. House of Representatives  
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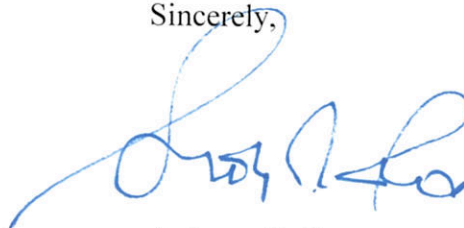
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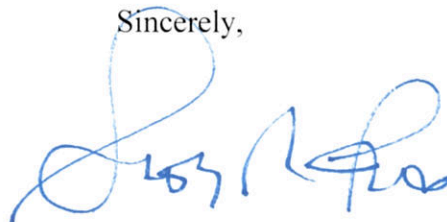
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Section 32301 mandated that the Secretary adopt regulations requiring that commercial motor vehicles (CMV) operating in interstate commerce, by drivers who are required to keep records of duty status (RODS), be equipped with ELDs. The statute sets out the provisions that the regulations must address, including device performance, design standards, and certification. In adopting these regulations, the Federal Motor Carrier Safety Administration (FMCSA) must consider how the need for supporting documents might be reduced, to the extent that the data is captured on an ELD, without diminishing hours-of-service (HOS) enforcement.

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As FMCSA acknowledged in the SNPRM, small businesses may need additional information and guidance in order to comply with the ELD regulations. Accordingly, the Agency intends to conduct outreach aimed specifically at small entities, at no charge to the participants, which will explain in plain language the compliance and reporting requirements imposed by the rule.

The Honorable David Price  
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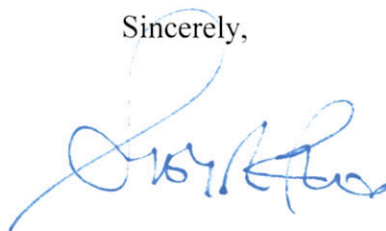
The FMCSA believes that businesses of all sizes will realize benefits from the rule and, as with most technology, new uses and abilities will continue to emerge to fit the needs of end users.

The Agency has determined that the use of ELDs can significantly reduce the amount of paperwork currently required of the CMV operator. The FMCSA believes that savings from the reduced paperwork will more than offset the costs of obtaining and maintaining minimally compliant ELDs. The marketplace includes a number of purchasing arrangements and options that can provide the required ELD functionality in ways that reduce upfront costs to small carriers. Furthermore, FMCSA expects that a number of private sector technology firms, both those currently in the ELD marketplace and potential entrants electing to enter the ELD market by virtue of the rule, will manufacture a variety of devices that can meet the required technical standards at a reasonable cost to operators.

The Regulatory Flexibility Act of 1980 (Public Law 96-354) requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. In accordance with that statute, the Regulatory Flexibility Analysis which accompanies the ELD rule will contain all of the statutorily required elements, including the Agency's response to any comments on the proposed rule by the Chief Counsel for Advocacy of the Small Business Administration, a description and estimate of the number of small businesses to which the rule will apply, a description of the recordkeeping, reporting and compliance requirements, and a description of the steps the Agency has taken to minimize the significant economic impact on small entities consistent with the stated objective of applicable statutes.

If I can provide further information or assistance, please feel free to call me. I have sent a similar letter to the Chairman and Vice Chairwoman of the Senate Committee on Appropriations; the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the House Committee on Appropriations; and the Chairman of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony R. Foxx", is written over a circular blue stamp or watermark.

Anthony R. Foxx