ELECTRONIC ON-BOARD RECORDERS (EOBRS)

ISSUE

Current law defines an Electronic Onboard Recorder (EOBR) as "an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically. The device must be integrally synchronized with specific operations of the commercial vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date and time of day." Though this system has not been widely tested in the motorcoach industry, the Federal Motor Carrier Safety Administration (FMCSA) is considering its application for motorcoaches to monitor driver hours of service.

BACKGROUND

On July 16, 2004, the United States Court of Appeals for the D.C. Circuit Court, ruled on a petition filed by Public Citizen, the Advocates for Highway and Auto Safety, and the Insurance Institute for Highway Safety against the Department of Transportation (DOT), forcing them to vacate the new hours-of-service rules. Questions raised by complainants in this action prompted the FMCSA to issue an Advance Notice of Proposed Rulemaking (ANPRM) on October 19, 2004, regarding the use of EOBRs to document compliance with hours of service regulations.

The motorcoach industry is fully committed to providing a safe and secure environment for its passengers and personnel and is involved in a variety of efforts (training, equipment and facility modifications, communications systems, etc.) to promote safe, responsible operations. The intercity bus industry possesses an unparalleled safety record, and has one of the lowest hours of service violation rates among major surface transportation modes.

The current generation of EOBRs, many of which allow for vehicle tracking capabilities using global positioning system (GPS) based technologies, cost between $700 – 3,500 per unit. There can also be an initial investment in GPS system software ranging from $10,000 – 80,000 in capital costs for a motorcoach company. A limited number of operators have employed these systems to provide a more detailed reporting of their vehicle location, use, driver activity, and to help dispatch centers reroute and navigate drivers around congested thoroughfares. However, they report the need to invest significant additional time and effort to understand, maintain and review the electronic logs and their requisite printed-paper backups.

Though some see application for these systems to trucking operations, it's important to recognize the differences in application between the industries. Perhaps most importantly, the motorcoach industry is separate and distinct from trucking in terms of its practice of operating on the schedule of passengers rather than the round-the-clock environment of the trucking industry, which gives little incentive for motorcoach drivers to violate the hours of service rules and, therefore, little need for more extensive monitoring than already exists.

ABA POSITION

EOBRs are a costly investment in general and specifically with respect to the motorcoach industry, and are a costly and unwarranted investment. Furthermore, current EOBR technology lacks design and use standards. Such standards are key to successful technology implementation. A mandate for a fleet of 20 coaches could amount to $150,000 in capital costs, just in system installation, not including the costs of continued operation, monitoring and appropriate staffing

procedures. Without a clear and proven need, technology standards, and further testing within the motorcoach industry, ABA would argue that a mandate requiring EOBR usage is premature.