

FYI on ELDs

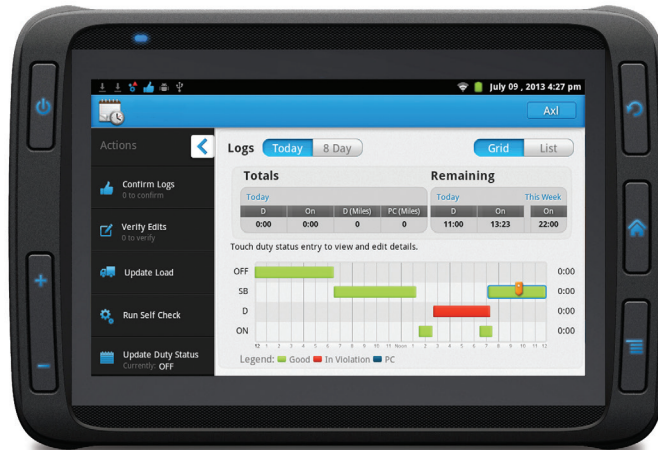
Understanding the risks, rewards, and benefits of ELDs. **Joseph Doerr** reports.

Back in February, I wrote an article for this column titled, “The Fallout,” where I brought to light many of the issues surrounding the so-called “nuclear verdicts” that have recently been awarded in accidents involving commercial motor vehicles. (Nuclear verdicts are a concerning trend where massive financial payouts are awarded to families of accident victims.) I highlighted the fact that many times the strategic approach used by plaintiff attorneys in nuclear verdict cases is to attack the character of an organization by illuminating any patterns of non-compliance found documented within the company’s safety profile.

For many people in the transportation industry, this brings up concerns surrounding the Federal Motor Carrier Safety Administration’s Electronic Logging Device Rule (49 CFR Parts 385, 386, 390, and 395). Because if we know that plaintiff attorneys attack the character and safety profiles of an organization, and non-compliance is tracked and measured using ELDs, are we in fact opening ourselves up to additional risk?

Defining ELDs

Before I answer that, I need back up a minute and define what an ELD is and how it works, and how we got to this point. To put it rather simply, we got to this point because tracking hours of service is something we can’t afford not to do. Each year, according to the National Highway Traffic Safety Administration (NHTSA), more than 100,000 police-



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reported car accidents occur because of drivers who fall asleep. More than 72,000 of those accidents cause serious injuries and more than 1,600 result in fatalities. In the course of doing research for this article I Googled “Truck driver falls asleep causing accident” and the result was 56,000 news articles highlighting the issue of driver fatigue as it relates to accidents within our industry.

As most of you probably know by now, an ELD is technology that automatically records a driver’s driving time and other hours-of-service (HOS) data. The idea is to allow for easier, more accurate HOS recordkeeping. It works by monitoring a vehicle’s engine to capture data on whether the engine is running and the vehicle is moving, how many miles are driven, and the duration of time an engine has been in operation (engine hours).

So with all this data now being captured through ELDs, are we more susceptible to the risks posed by plaintiff attorneys? It’s possible. But it’s also just as possible (and beneficial) that we’ve been presented with an opportunity to become better risk managers through ELDs. I will even go as far as to say that I believe there’s a way to use the ELD mandate as a performance enhancement tool.

I certainly understand that it’s a hard pill to swallow anytime a government agency like the FMCSA bestows upon us yet another regulation, especially one that comes with an upfront price tag attached to it, but there is value associated with it.

In 2016, according to the FMCSA’s Analysis and Information Online website, there were 481,215 total violations associated with hours of service. Hours of service violations equated for five out of the top 10 driver violations,

with the number one driver violation (172,185) being log violations (general/form and manner). These numbers are proof that hour of service issues are still systemic, which could be costing your company anywhere from hundreds to thousands of dollars in penalties, fines, and lost production.

Effective tool

The reality is that ELDs are effective, and can actually help bring HOS issues into perspective, so you can make the necessary steps to combat them. They can help you reduce risk and maximize profitability by highlighting any patterns of non-compliance you might have.

In fact, the benefits of ELDs are plentiful. ELDs can help improve CSA scores, not only in hours of service, but also in unsafe driving and vehicle maintenance, as well. They have navigation capabilities that offer route-mapping options, allowing a company to optimize fuel and driver productivity. They have DVIR options that allow paper monitoring and tracking, utilize fault monitoring to reduce repair costs (by notifying drivers of maintenance issues before they turn into expensive breakdowns), and help organizations issue driver behavior score cards that can be used to promote safety when it comes to speeding, hard breaking, and other driver behaviors.

But don’t just take my word for it, take a look at the data. Back in 2013 the FMCSA completed a study on the



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potential safety benefits for drivers already using ELDs. While they did not include small owner/operators in the study, and instead focused only on large fleets, the results were promising:

- Trucks with ELDs had an 11.7 percent lower crash rate than non-ELD equipped trucks.
- They had a 5.1 percent lower preventable crash rate than trucks without ELDs.
- ELDs may prevent over 560 injuries each year.

It is estimated that 26 lives per year will be saved thanks to the benefits of ELDs.

Big benefits

In the course of the study, other benefits were also noted, including a 53 percent lower rate for hours of service violations and a 49 percent lower rate for non-driving violations. And then of course

there's the huge aggregate cost savings of these additional safety benefits – estimated at nearly \$400 million per year.

The website ELDFacts.com also touts a number of pretty big benefits to using ELDs, including these (additional information on each of these points can be found on the website):

- 1 An ELD leads to more miles on the road, which, in turn, leads to more money. The FMCSA estimates drivers will spend over 20 hours a year filling out paper driver logs and sending those HOS files to their respective carriers. ELDs, however, help truck drivers reduce HOS paperwork time by 15 minutes a day.
- 2 ELDs get drivers back on the road faster with expedited inspections.
- 3 ELDs reduce burdensome paperwork headaches.
- 4 ELDs eliminate easy form and manner

errors that can be troublesome and expensive.

- 5 ELDs issue warnings when time is tight.
- 6 ELDs build a commercial truck driver's roadside resume.
- 7 ELDs document driver safety in the event of an accident.
- 8 ELDs make communicating with the home office easier.
- 9 ELD applications make life easier on the road.
- 10 ELDs pave the way for roadside assistance when drivers need it.

While ELDs will certainly pose challenges for some companies in the future, focusing on the benefits and not the concerns will help change the industry's perspective. As we've all learned by now, we need to take the good with the bad – and time should prove that when it comes to ELDs there's more good than bad. ■