



Owner-Operator's Business
Association of Canada
Association professionnelle des
routiers autonomes du Canada

*...from the
director's chair*

EOBRs

A cure for the symptom, not the disease

While I'm a little surprised by FMCSA's lightweight approach to electronic HoS compliance, I'd be the first to agree that if you're going to fix a problem, you might as well begin with the worst offenders.

Taking a hard line approach with the 'bad guys' and leaving the rest of the industry alone is the way I'd do it, but the Agency's approach still falls way short of addressing the real problems in today's operating environment. HoS violations are just the symptom: the disease is the chronic waste of drivers' time.

It's wasted time and lost earning potential that pushes drivers to make up the loss by adjusting their logs.

It's a struggle to balance compliance with operational realities, and a system that pays drivers along a distance line while regulating them along a time line causes tremendous conflict for drivers. In trying to come out even at the end of the month, some drivers get caught. Fortunately, in some respects, FMCSA has drawn a line between the habitual and casual offenders of HoS.

By FMCSA's own numbers, fewer than 1,000 carriers out of 650,000 that are regulated by the US DoT would be under sanction and running EOBRs because of their history of violations.

About 17,000 drivers would have EOBRs in their trucks if the rules were in place today – that's something like 0.14% of the US fleet.

But I'm still puzzled as to why FMCSA didn't somehow tie HoS violations to individual drivers. If a carrier is slapped with an EOBR requirement, there's nothing in the rule to prevent that fleet's drivers from packing up and going elsewhere – taking their inclination to break the rules with them.

This rule might force fleets to be more vigilant in

monitoring HoS compliance, but it won't curb the incentive to cheat. I say incentive, because as long as drivers stand to lose money – or trip times are extended by hours or days – they will look for ways to prevent that from happening.

And the threat of mandatory EOBRs for repeat offenders won't eliminate that dilemma.

It's unfortunate that FMCSA didn't follow through on the entire directive from Congress when they had the opportunity.

At the same time Congress directed FMCSA to consider on-board recorders in trucks, they were also directed to address loading and unloading time. My friends at OOIDA have been after FMCSA to deal with that one for years – given that it remains one of the root causes of difficulty with HoS.

A pair of recently released HoS compliance surveys revealed that the practice of adjusting logbooks to compensate for lost time is widespread (a survey of Canadian drivers reported 86% of drivers do it, while the US survey indicates 78% of drivers do it).

The Canadian survey suggests there was a full day every week on the table for drivers who make the adjustment. OOIDA says drivers' lost time is closer to 30 hours a week.

Any way you look at it, the numbers are staggering.

When unveiling his EOBR proposal, FMCSA Administrator, John Hill was asked why the mandate was not extended to all commercial vehicles, as some had hoped for. Hill said the costs would outweigh the benefits.

No wonder FMCSA is reluctant to go after the real problem.

Imagine the cost to industry and the economy if FMCSA directed carriers to compensate the



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estimated million-plus commercial drivers in North America for even a small percentage of the time and money they lose to wasted time and inefficiency.

It appears that FMCSA has given trucking a "business as usual" nod with this EOBR proposal. And while EOBRs may curb HoS cheating to some extent, as I've said before, those who think black boxes will eliminate cheating are in denial.

The technology will make it harder to disguise the number of hours drivers waste, but it won't make those hours go away – and it won't help drivers make up for income lost to inefficient shippers and poor trip planning.

Rather than looking for government incentives to use EOBRs, we need industry to take a hard look at itself and replace the incentive to cheat with a system that encourages compliance.

I spoke recently with one company owner who has been experimenting with new methods of paying his drivers, trying to find a way to balance a good wage with better work/life balance.

He's put some of his drivers on straight salary, others get a combination of per mile and hourly pay. And guess what? In addition to happier, safer, more productive drivers, about 90% of the company's compliance problems disappeared overnight.

If carriers are truly interested in reducing or eliminating logbook violations, the course of action is pretty clear.

Design a remuneration system that encourages compliance and removes the penalties associated with the more restrictive HoS regime now in place in both countries. Maybe that's what we need the government mandate for.