

# Congress of the United States

House of Representatives

Washington, DC 20515-1504

August 28, 2018

AGRICULTURE

JUDICIARY

SMALL BUSINESS

The Honorable Cathy F. Gautreaux  
Deputy Administrator  
Federal Motor Carrier Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Ave. SE  
Washington, DC 20590

Re: FMCSA-2018-0180-0012, Hours of Service of Drivers: Application for Exemption; Small Business in Transportation Coalition.

Dear Deputy Administrator Gautreaux:

We continue to believe it is in the public interest, and the best course of action to immediately place a 90-day relief period from the electronic logging device (ELD) mandate on all sectors of the trucking industry while Congress and your agency examine the affects the mandate has had on the small business trucking industry. We write to you now to encourage the Federal Motor Carrier Safety Administration (FMCSA) to grant the application for exemption to the ELD mandate submitted by the Small Business in Transportation Coalition (SBTC), which would provide reasonable relief for small business trucking companies from the costly and burdensome regulations facing those drivers today.

SBTC's request is reasonable in that it is constructed to apply the exemption only to small motor carriers with less than 50 employees. Many of the small trucking businesses that would benefit from the requested exemption commented on the Federal Register Notice on SBTC's exemption request and explained how the ELD mandate is currently hurting their business and affecting their livelihood.

The effect of the ELD mandate is not the same on small trucking companies as it is on large multimillion dollar trucking companies that can easily absorb the costs of implementing the ELD mandate on their trucking fleet. While the FMCSA has refused to consider the effect the ELD mandate has on small businesses, Congress has frequently taken the effect a regulation would have on small businesses into consideration and granted exemptions from the regulation where an unfair burden on small business existed.

FMCSA has already granted several requests for exemption from the ELD mandate. Clearly, the agency is capable and willing to provide relief for industries who have demonstrated that exemptions is a burden to them. The SBTC is seeking relief for small businesses that would be hurt and possibly put out of business by the ELD mandate. Granting their exemption request is wholly consistent with the Trump Administration's goal of providing relief from costly and burdensome federal regulations to American small businesses. Granting SBTC's request would

further illustrate the administration's commitment to delivering regulatory relief that will sustain economic growth.

Lastly and perhaps most importantly, SBTC has furnished FMCSA, during the comment period, with survey results indicating that ELDs are directly responsible for an increase in drivers speeding on highways, through construction zones, and through local cities, towns and villages where children go to school, reside and play. Over 90% of drivers polled said they have either resorted to speeding themselves or have witnessed a surge in instances in which other drivers are speeding in an attempt to beat the clock. SBTC believes that rather than save 26 lives as the FMCSA has estimated, the ELD mandate may very well result in the loss of far more lives due to the pressures exerted on company drivers, owner-operators and motor carriers.

We encourage FMCSA to take immediate action to suspend ELDs until it can fully investigate the unintended consequences the industry is reporting to the government in the interest of public safety.

Sincerely,

A handwritten signature in blue ink that reads "Steve King". The signature is written in a cursive, flowing style.

Congressman Steve King  
Iowa's 4<sup>th</sup> Congressional District