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Motor Carrier Insurance Education Foundation

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ELD'S – THERE'S A LOT OF DATA THERE, USE IT!

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Rule overview: Hours of service

- Hours of Service is covered in Part 395 of the FMCSA safety regulations

- Sections covering:
  - Limits
  - Recordkeeping
  - Exemptions/exceptions

- Applicable to any driver that is operating a "commercial vehicle" on a "highway/roadway"

  - Definition of a "CMV" and "highway/roadway" found in § 390.5
  - For intrastate-only drivers in the state's safety regulations
   - Example: WI Trans 327
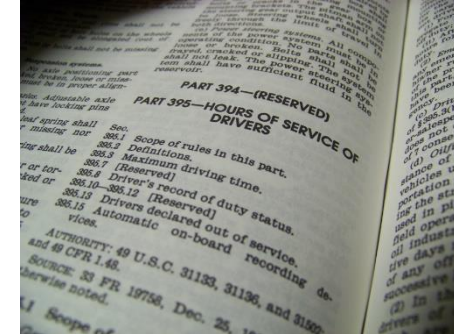
Rule overview recordkeeping

Driver/carrier must keep records proving that the driver complied with the hours-of-service limits

- Records involve tracking drivers' off-duty and work time
  - Three main ways time can be tracked:
    - ELDs
    - Paper logs, if an exemption to electronic logs apply
    - Time records, if logging exemption applies

Electronic logging mandate

- A driver can only be using paper logs or time records if an exemption applies!
  - If carrier claims he/she is not required to use an ELD, investigate
    - Which logging or ELD exemption are you using?
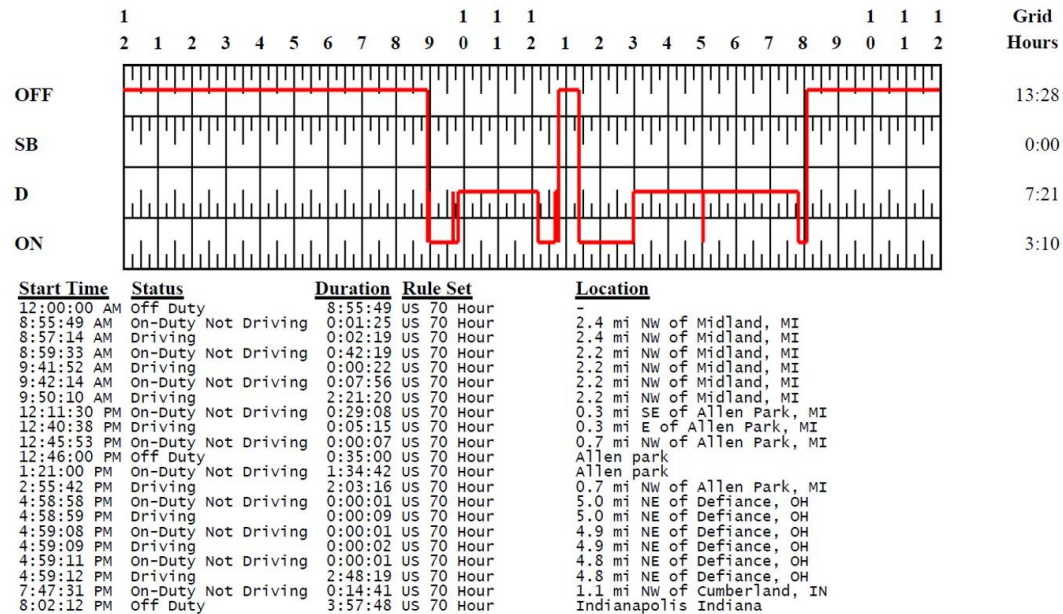
E-logs are Not just about compliance

- E-logs can provide a lot of data
  - Two general "buckets"
    - Compliance (required)
    - Safety and operations: Can be aggregated to show trends
      - Hard braking
      - Excessive speed or RPMs
      - Out of route
      - Fuel mileage/idling
      - Customer delays

Data that must be captured

- ELD required to capture at specific times/intervals
  - Date and time
  - Location (accurate to 1 mile)
  - Vehicle miles
  - Engine hours
  - Driver and carrier information
  - Driver duty status
  - Vehicle identification

Record Date	USDOT #	Driver License Number	Driver License State	ELD ID	Trailer ID
20-Nov-14	123456789	D000368210361	IL	987654	Unit #
Time Zone	Driver Name	Co-Driver Name	ELD Manufacturer	Shipping ID	Data Diagnostic Indicators
CST	Smith, Richard	Jones, David	Acme ELDs	BL1234567890	Yes
24-Period Starting Tim	Driver ID	Co-Driver ID	Truck Tractor ID	Unidentified Driver Records	ELD Malfunction Indicators
Midnight	1234567	8910111	Unit #	No	Yes
Carrier		Start- End Odometer	Truck Tractor VIN	Exempt Driver Status	Start-End engine hours
Acme Trucking		39564-40044	1M2P267Y5AM022445	No	758.2-766.7
Current Location		File Comment		Print/Display Date	
Truckee, CA				20-Nov-14	

Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
19-Nov-14					
22:00	49 mi NNE Fallon, NV	39564	758.2	Off duty	Driver
20-Nov-14					
10:00	49 mi NNE Fallon, NV	39564	758.2	Login	Driver
10:00	49 mi NNE Fallon, NV	39564	758.2	ODND	Driver
11:52	49 mi NNE Fallon, NV	39564	758.2	PowerUp	Auto
11:52	49 mi NNE Fallon, NV	39564	758.2	Power Compliance	Auto
11:52	49 mi NNE Fallon, NV	39564	758.2	Engine Sync	Auto
12:00	49 mi NNE Fallon, NV	39564	758.3	Driving	Driver
13:00	2 mi E Fernley, NV	39624	759.3	Int Location	Auto
14:00	7 mi NNE Truckee, CA	39684	760.3	Int Location	Auto
15:00	6 mi SSE Meadow Vista, CA	39744	761.3	Int Location	Auto
16:00	3.5 mi SW Davis, CA	39804	762.3	Off duty	Driver
16:45	3.5 mi SW Davis, CA	39804	762.3	On duty	Driver
17:00	3.5 mi SW Davis, CA	39804	762.4	Driving	Auto

Captures Required

- Startup
- Shutdown
- Log in
- Log out
- Every duty change
- Once per hours when in operation

Where You Been?

- Required raw ELD data provides:
  - Proof of compliance
  - Daily breadcrumb trail of movements
  - Drivers used

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Where You Been?

- Required ELD data provides:
  - Areas of operation – Review location data over time
  - Hours of operation – Review times on multiple records
  - Miles per unit – Check mileages monthly/annually
    - Some systems can provide a report

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Using the available data

- Can the carrier locate the important data and do they acting on it
  - "Exception" reports show where problems are
    - HOS violation reports
    - Unassigned driving report
    - Edit reports
    - Hard braking reports
    - Speed/RPM alerts/reports
    - Fuel mileage alerts/reports

- Carrier needs to be acting on it quickly
  - The system acts quickly, so should they

Using the data: Compliance

- Unassigned driving time (ask for the report)
  - Reasons it happens:
    - Drivers forgetting to log in
    - Vehicle being moved by non-drivers
    - **Driver attempting to falsify to operate past a limit**
  - Carrier is responsible for investigating and either:
    - Assigning the time to the correct driver
    - Attaching an explanation on why it could not be assigned
  - Reviewing the unassigned driving report and dealing with unassigned driving must be an assigned daily chore at a carrier!
    - Is the carrier doing it?

Using the data: Compliance

- Over hours:
  - Ask for and review violation reports
  - How often and how much?
  - Ask about carrier's process for verifying/counselling

Using the data: Compliance

- Edits
  - Ask for edit report
  - Look for specific pattern
    - On duty switched to off duty
    - How often and how much?
  - Was it due to a common error?
    - **Could be an attempt to falsify**
  - Ask about carrier process for validating

Using the data: Compliance

- Use of "special categories"
  - Ask for report
    - Yard move: On property with no public access
    - Personal conveyance
    - How often and how much
      - **Could be an attempt to hide hours (falsify)**
    - Ask about carrier's process for validating

Using the data: Compliance

- Malfunctions
  - Ask for report
  - Part of a driver trend?
    - How often and how much?
  - Does carrier have policy of audited paper logs submitted during a malfunction using **all possible** supporting documents

Risk of not auditing

- Can the carrier:
  - Provide the required data?
  - Provide the requested reports?
  - Explain how the data and reports are used

Risk of not auditing

- Does carrier audit their data:
  - If not auditing:
    - Drivers will figure it out and falsification and incidents of driving over hours will increase
    - False logs and over hours violations will cause problems during roadside inspections and audits
      - Officers and investigators know the methods drivers use to falsify electronic logs!
    - Investigators/auditors will be able to show carrier does not have adequate safety management controls in place
    - Plaintiff's attorneys will be able to show that carrier is not doing its due diligence

Data captured

- Also captured by the ELD is anything on the engine control module (ECM)

- Examples:
  - Hard braking
  - Fuel use/mileage
  - Engine power status/RPMs (current, past, and accumulated)
  - Throttle position
  - Speed (current, past, and accumulated)
  - Engine codes/alerts
  - Last stop data
  - Seatbelt use

PowerSpec - Read Report - Sudden Deceleration

Date : 7-20-2007

Engine:	ISX 02	ECM Serial#:	26111162	Customer Name:	
Unit Number:	34586	Engine Serial#:	79186531	Last Tool Used:	INSITE
VIN:	4V4N19TG27N407996	Build Date:	61206	ECM Code:	AB10417.21

Record 1

Data Extraction Date	2007-07-20T15:06:05	Total Engine Run Time	5227 Hrs 55 Min 35 Sec
Air Temp at Event	N/A	Occurrence Distance	280982.5 Miles

Time (Seconds)	Vehicle Speed (mph)	Engine Speed (rpm)	Engine Load (%)	Throttle (%)	Brake Status	Clutch Status	Cruise Status	Lamp Status
-59	61	1389	24.0	49.0	-	-	-	-
-58	61	1393	42.0	60.8	-	-	-	-
-57	61	1391	39.4	54.0	-	-	-	-

Cummins Sudden Deceleration Report

Using the data: safety performance

- Hard braking
  - Ask for report
  - Result of vehicle undergoing a rapid deceleration
  - Hard braking normally caused by:
    - Following too close
    - Inattention
    - Driving too fast for conditions (road, traffic, etc.)
    - Aggressive driving
    - Skidding
  - All are due to driving habits that lead to crashes if not corrected

Employee Performance Stats

2 Employees with Idle Time Occurrences < 15 Min, 30 Days
16 Employees with Idle Time Occurrences < 15 Min, 12 Months
1 Employee with Idle Time Occurrences 15 - 90 Min, 30 Days
10 Employees with Idle Time Occurrences 15 - 90 Min, 12 Months
1 Employee with Idle Time Occurrences > 90 Min, 12 Months
2 Employees with Idle Time Occurrences Last 30 Days
16 Employees with Idle Time Occurrences Last 12 Months
2 Employees with Hard Braking in Last 30 Days
3 Employees with Hard Braking in Last 60 Days
5 Employees over Speed Threshold in Last 30 Days
5 Employees over RPM Threshold in Last 30 Days
Customize This Section...

Using the data: safety performance

- Hard braking
  - Does the carrier have established realistic thresholds?
    - 9 or 11 mph per second?
    - 1, 2, 5 or 10 a month?
  - Does carrier concentrate on the "outliers"
    - Same drivers
      - Did carrier fall pray to "X" type of drivers can't avoid them
        - » City drivers need to be better at driving in a city
        - » Rural drivers need to watch intersections and closing speeds
        - » Hitting the "pin" or dock hard enough to create a hard-braking event is a problem!
    - Same vehicles
      - Does the carrier check equipment for problems
        - » Brakes
        - » ECM

Using the data: safety performance

- Speeding
  - Visible in speed reports
  - High average and high incidents
  - Study data to determine norms
    - Company speed limit in place?
  - Does company look for outliers?

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Customize This Section...

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Risks of carrier not using safety data

- If carrier is not using the safety data the system is capturing:
  - Driver bad habits will continue (or worsen)
  - Crashes are more likely
  - Data will show bad habits to anyone that looks
    - Lots of "bad data"
      - Data itself is neither good nor bad, it is what the data shows that is good or bad!
- To sum it up, the carrier will become more of a risk as time goes on

Risks of carrier not using the data

- Bad data **will** be discovered during investigations, audits, or litigation.
  - Problem: Carrier had the data and chose to do nothing
    - Litigation: Equates to carrier's failure to live up to your "duty to act" and can lead to claims of negligent retention, supervision, etc.
    - Compliance reviews (audits): Lack of "safety management controls" which can lead to fines and possibly an out-of-service order
    - All of the above will create an issue for the insurer

Risks of carrier not using the data

- The data will show the carrier to be:

- Good carrier

  – Knows its system, can provide the reports, correctly audits logs and takes action

  – Watches safety performance data and takes action

  – Low on-road violation rate

- Other carriers

  – Does none of the above, or worse

    - Allows or encourages unsafe or non-compliant behaviors and has a high on-road violation rate

Risks of carrier not using the data

- Following a crash the data will either show the carrier to be:
  - A good carrier that had something bad happen to them, or
  - A carrier that finally had their culture and practices catch up with them
- Which one would you rather be standing next to?
  - Ask carrier for reports and data
  - Review it and compare to reality and other carriers you have worked with

Questions?

- Think of any later…

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