



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

March 6, 2017

Daphne Jefferson
Deputy Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE, 6th Floor
Washington, DC 20590-9898

RE: Request for Guidance – Allowing Electronic Instruction Sheets in 49 C.F.R. § 395.15(g) and Electronic User’s Manual, Instruction Sheet for Data Transfer and Instruction Sheet for Malfunction Procedures in 49 C.F.R. § 395.22(h)

Dear Deputy Administrator Jefferson:

The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout the U.S., Canada and Mexico by providing guidance and education to enforcement, industry and policy makers.

On December 12, 2015, the Federal Motor Carrier Safety Administration (FMCSA) issued a final rule mandating the use of electronic logging devices (ELDs) for commercial motor vehicles (CMVs) by December 18, 2017. As part of the final rule, drivers are required to keep an “instruction sheet” describing how the electronic data may be retrieved from the device as well as a “user manual”. This requirement applies both to ELDs in § 395.22(h) and applicable automatic on-board recording devices (AOBRDs) in § 395.15(g).

395.15 (g) On-board information. Each commercial motor vehicle must have on-board the commercial motor vehicle an information packet containing the following items:

- (1) An instruction sheet describing in detail how data may be stored and retrieved from an automatic on-board recording system; and*
- (2) A supply of blank driver's records of duty status graph-grids sufficient to record the driver's duty status and other related information for the duration of the current trip.*

and;

395.22 (h) *In-vehicle information. A motor carrier must ensure that its drivers possess onboard a commercial motor vehicle an ELD information packet containing the following items:*

- (1) A user's manual for the driver describing how to operate the ELD;*
- (2) An instruction sheet for the driver describing the data transfer mechanisms supported by the ELD and step-by-step instructions for the driver to produce and transfer the driver's hours-of-service records to an authorized safety official;*
- (3) An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and*
- (4) A supply of blank driver's records of duty status graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days.*

CVSA asks for guidance that would allow the term “instruction sheet” or “user manual” to include an electronic instruction sheet or user manual, in lieu of paper instruction sheets. Specifically, the colloquial interpretation of sheet may create uncertainty regarding whether electronic instructions qualify under § 395.15(g) or § 395.22(h). For example, the Merriam-Webster dictionary definition of “sheet” is “a usually rectangular piece of paper; especially: one manufactured for printing.”¹ To eliminate confusion and to provide clear definitions to carriers and inspectors, CVSA requests FMCSA to issue guidance allowing electronic instruction sheets in place of paper instructions.

Allowing instruction sheets to be available electronically will not create additional burdens for manufacturers as many AOBDRs already have instructions that are contained within the tablet that can be directly removed from the docking station and provided at roadside to an inspector, if requested. ELDs will have similar capabilities where, upon request by an inspector, a driver must produce and transfer records in accordance with the instruction sheet. Further, electronic instructions would eliminate the necessity for CMV drivers to retain paper instruction sheets, which may be easily misplaced.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. CMV safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to comment on this proposal and the agency’s commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,



Collin B. Mooney, CAE
Executive Director

¹ “sheet.” *Merriam-Webster.com*. 2016. <https://www.merriam-webster.com> (15 Dec. 2016).