



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Daniel K. Inouye
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Ranking Member of the Senate Committee on Appropriations and to the Chairmen and Ranking Members of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the House Committee on Appropriations; and the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,



Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Cochran:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

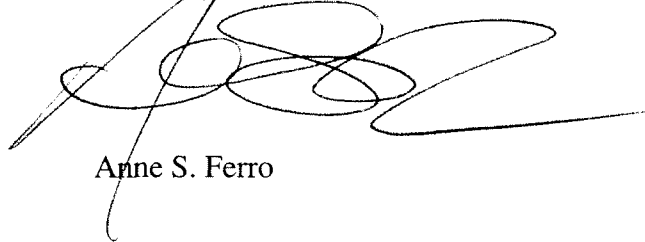
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Chairman of the Senate Committee on Appropriations and to the Chairmen and Ranking Members of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the House Committee on Appropriations; and the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne S. Ferro", with a long horizontal flourish extending to the right.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Patty Murray
Chairman
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Madam Chairman:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

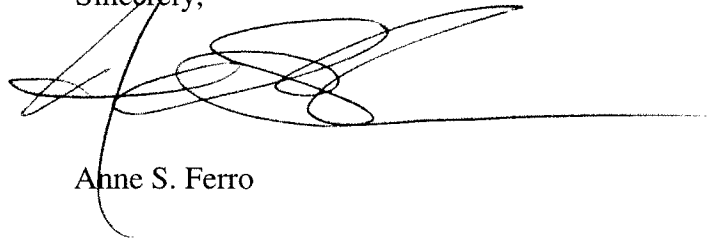
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies and to the Chairmen and Ranking Members of the Senate Committee on Appropriations; the House Committee on Appropriations; and the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne S. Ferro", with a long horizontal line extending to the right.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Christopher Bond
Ranking Member
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Bond:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

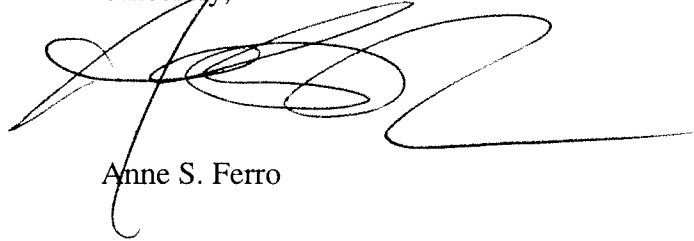
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Chairman of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies and to the Chairmen and Ranking Members of the Senate Committee on Appropriations; the House Committee on Appropriations; and the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne S. Ferro', with a long horizontal flourish extending to the right.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable David R. Obey
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

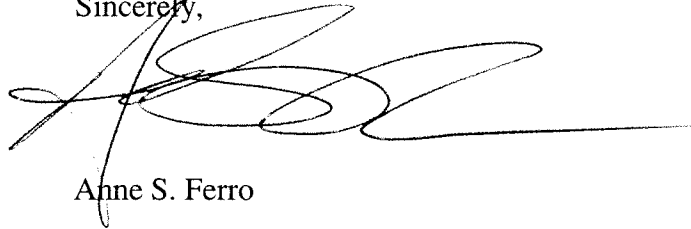
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Ranking Member of the House Committee on Appropriations and to the Chairmen and Ranking Members of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Senate Committee on Appropriations; and the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne S. Ferro", with a long horizontal flourish extending to the right.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Jerry Lewis
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lewis:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

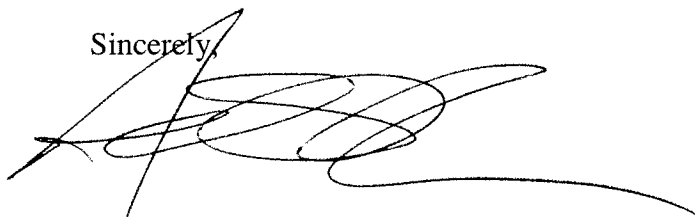
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Chairman of the House Committee on Appropriations and to the Chairmen and Ranking Members of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Senate Committee on Appropriations; and the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne S. Ferro". The signature is stylized with several loops and a long horizontal stroke at the end.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable John W. Olver
Chairman
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

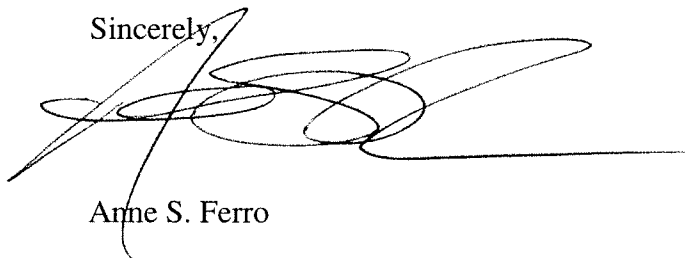
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Ranking Member of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies and to the Chairmen and Ranking Members of the House Committee on Appropriations; the Senate Committee on Appropriations; and the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne S. Ferro", with a long horizontal line extending to the right.

Anne S. Ferro



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 26, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Tom Latham
Ranking Member
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Latham:

House Conference Report 111-366, accompanying the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (P.L. 111-117, division A), requests the Federal Motor Carrier Safety Administration (FMCSA) to report to the House and Senate Committees on Appropriations on the specific actions FMCSA will take to incentivize industry-wide use of electronic on-board recorders (EOBRs) to monitor hours-of-service (HOS) compliance, and the metrics that will be used to measure the adoption of EOBR installation. The FMCSA sent this report on August 19, 2010. In addition, the House Conference Report requests FMCSA to report on the success of its efforts to incentivize EOBR adoption and a review of the metrics. This letter report fulfills that request.

The FMCSA published a final rule concerning EOBR use on April 5, 2010 (75 FR 17208), Regulatory Identification Number (RIN) 2126-AA89, in the Federal Register. The final rule requires the mandatory use of EOBRs by interstate motor carriers for which FMCSA determines, based on HOS records reviewed during a single compliance review, that the motor carrier has a 10 percent or greater violation rate for HOS regulations. For such cases, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its commercial motor vehicles (CMV), regardless of their date of manufacture, and use the devices for HOS recordkeeping for a period of 2 years. Motor carriers that fail to comply with the remedial directive will be rated "unfit" and prohibited from continuing their CMV operations. The Agency estimates that the new EOBR rule will affect approximately 5,700 motor carriers that employ 129,000 drivers annually, after the first full year of implementation.

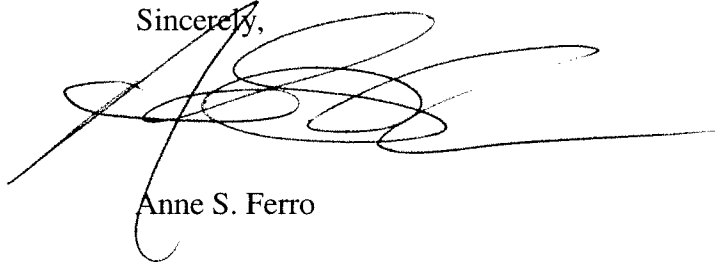
The preamble to the April 5, 2010, final rule announced FMCSA's plans to initiate a follow-on rulemaking to mandate the use of EOBRs for a larger population of motor carriers and drivers. The FMCSA has begun drafting a notice of proposed rulemaking (NPRM) to propose a broader EOBR mandate and anticipates publishing the rulemaking proposal by the end of calendar year 2010. As part of this new rulemaking activity, FMCSA will attempt to gather more information

on the extent to which motor carriers are using EOBRs on a voluntary basis, and assess how increases in the number of EOBRs installed may influence the purchase and operational costs of the units. The RIN for this new rulemaking action is 2126-AB20. The RIN may be used to follow the progress of the rulemaking through the Federal government's rulemaking portal at www.regulations.gov.

Because FMCSA has initiated a rulemaking action to consider expanding its EOBR mandate, efforts to evaluate the effectiveness of incentives for voluntary use of EOBRs are being deferred until the completion of that follow-on rulemaking action.

A similar letter has been sent to the Chairman of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies and to the Chairmen and Ranking Members of the House Committee on Appropriations; the Senate Committee on Appropriations; and the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne S. Ferro', with a long horizontal flourish extending to the right.

Anne S. Ferro