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

June 12, 2015  

Dear Mr. Chairman:

House of Representatives Report No. 113-136, which accompanied the Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2014 (H.R. 2610), directed the Secretary of Transportation to evaluate the impact of Electronic Logging Devices (ELD) on small business operators and consider a low-cost option to address any adverse impacts in carrying out the requirements of section 32301 of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

Section 32301 mandated that the Secretary adopt regulations requiring that commercial motor vehicles (CMV) operating in interstate commerce, by drivers who are required to keep records of duty status (RODS), be equipped with ELDs. The statute sets out the provisions that the regulations must address, including device performance, design standards, and certification. In adopting these regulations, the Federal Motor Carrier Safety Administration (FMCSA) must consider how the need for supporting documents might be reduced, to the extent that the data is captured on an ELD, without diminishing hours-of-service (HOS) enforcement.

Pursuant to section 32301, FMCSA published the Electronic Logging Devices and Hours of Service Supporting Documents Supplemental Notice of Proposed Rulemaking in the Federal Register on March 28, 2014. The Supplemental Notice of Proposed Rulemaking (SNPRM) establishes minimum performance and design standards for ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare RODS; requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. We expect that the final ELD rule, currently under review within FMSCA, will be published this fall.

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The Honorable Thad Cochran  
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The Regulatory Flexibility Act of 1980 (Public Law 96-354) requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. In accordance with that statute, the Regulatory Flexibility Analysis which accompanies the ELD rule will contain all of the statutorily required elements, including the Agency’s response to any comments on the proposed rule by the Chief Counsel for Advocacy of the Small Business Administration, a description and estimate of the number of small businesses to which the rule will apply, a description of the recordkeeping, reporting and compliance requirements, and a description of the steps the Agency has taken to minimize the significant economic impact on small entities consistent with the stated objective of applicable statutes.  

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Sincerely,  

[Signature]

Anthony R. Foxx
The Honorable Barbara Mikulski
Vice Chairwoman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Madam Vice Chairwoman:

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Anthony R. Foxx
The Honorable Susan Collins  
Chairman  
Subcommittee on Transportation, Housing and  
Urban Development, and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

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Sincerely,

Anthony R. Foxx
June 12, 2015

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

Dear Senator Reed:

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[Signature]

Anthony R. Foxx
June 12, 2015

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

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Anthony R. Foxx
June 12, 2015

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

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Sincerely,

Anthony R. Foxx
The Honorable Mario Diaz-Balart  
Chairman 
Subcommittee on Transportation, Housing and  
Urban Development, and Related Agencies 
Committee on Appropriations 
U.S. House of Representatives 
Washington, DC  20515 

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