

# The **Communicator**

THE CALIFORNIA MOVING & STORAGE ASSOCIATION

### CARB's Truck & Bus Rule Advisory Committee Roundup

TRAC met on Sept 8th and confirmed all fleet sizes should report in 2012

By: Sean Edgar, CleanFleets.net

I attended the September 8<sup>th</sup> Truck Regulations Advisory Committee (TRAC) meeting to work on the implementation issues for the Truck and Bus Rule. Several items were clarified, including:

- All fleet sizes must report by January 31, 2012, in order to obtain a compliance certificate or claim any credits or extensions under the Rule;
- CARB has teamed up with the CHP and DMV to perform "holds" or impounds on hundreds of trucks this year;
- CARB will require "diligence" from shippers and dispatchers to obtain compliance certificates from truck owners and shippers. Motor carriers and truck owners can be cited for noncompliance with the Rule; and
- The CARB 1-866-6DIESEL hotline has taken over 17,000 calls from affected truck owners.

### Rule Process

CMSA members were informed that the CARB approved major changes to the Rule in December 2010. Since that vote (which resulted in delays for certain construction trucks), months of waiting have yet to produce the fixed target that truck owners must meet. In late May, CARB staff released their final Rule language, took public comment, and is expected to have state lawyers review and release the final version of the Rule that diesel truck owners are required to implement until further notice. This is

the same legal process required of all regulations under the state Administrative Procedures Act. Truck owners need to collect truck and engine data and report by the January 31, 2012, deadline.

### **Definitions and Rule References**

The following references relating to one-truck owners are from the 85-page Rule text.

Section (r) Reporting Requirements
In order to supply the Certificate of Reported Compliance that the van lines and your customers may request, the following is required:

#### Owner Contact Information

Compliance reports must include the following information:

- Fleet owner's name;
- Name of company or agency;
- Motor carrier identification number;
- Corporate parent name (if applicable);
- Corporate parent taxpayer identification number (if applicable);
- Company taxpayer identification number;
- Street address and mailing address;
   Name of responsible person;
- Title of responsible person;
- Contact name;
- Contact telephone number;
- Contact email address (if available) and
- License number issued by the Public Utilities Commission (if applicable).

(CARB Deadline cont. on page 5)

### Chairman's Corner By: Dennis Doody

Here at Blue Chip, the summer seemed to just fly by. I hope you all "Seized the Summer." As I alerted you all in my first article, we knew summer 2011 was going to be challenging. The summer



started off with a flood of business and the momentum seemed to sustain all the way through to the beginning of September. My bookings dropped going forward through the end of September, but as most of us know, this is to be expected. In an odd way, I welcome the historical slowdown as a sign that things are getting back on track.

The summer season presented a variety of challenges that tested our organizations, our staff, our policies and procedures. All the meetings, training and added staff helped us meet these challenges head on. Did we have a perfect summer? No, far from it, but we are headed in the right direction. I believe the proactive approach to "Seize the Summer" will show up positively on the bottom line.

How did your company do? How did you do? Did the steps you put in place help meet your challenges? Are you ready for the winter?

We have all lived through the spike in our business, the stock market's sudden drop, then spike, then drop again and the unemployment rate hovering at 9 percent. All of the economic uncertainty has made it very important to reflect back on the summer. We are a resilient industry, but we always need to prepare for tomorrow. What are the lessons we learned from this summer. How will they help us through the winter and prepare us for next summer? I plan to meet with each department to see what worked and what did not work this summer. I want to get the departments feedback on the steps we implemented and what steps we need to consider going into the wintertime. These meetings will be as valuable as the meetings we had going into the summer. This will give us a road map of what we need to do the next couple of months to see us through the winter.

Relying on fellow members of the CMSA is very helpful when going through the winter. Whatever I am going through, there is a CMSA member out there that has gone through

(Chairman's Corner cont. on page 4)



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### **President's Comments**

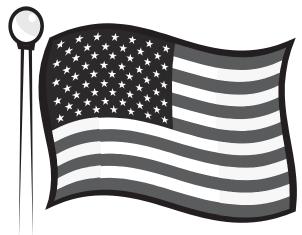
By: Steve Weitekamp

The 10-year anniversary of 9/11 has been a predominant theme of the media over the last few weeks. Like you, I remember that horrible day and the impact that it had on our nation and the



world. 2001 was also the year that I had the honor of serving as Chairman of the CMSA. In the days following 9/11, I called the Director of the New York State Movers and Warehousemen's Association, who at the time was a resident of Lower Manhattan, Having conducted moves in Manhattan and spent time in the World Trade Center. I couldn't imagine movers not being in the buildings on that morning. Regrettably, my colleague informed me that our industry had suffered loss of life on that day. My October 2001 Chairman's Column recognized eight members of our moving community, employees of Certified Moving and Storage Co., LLC, who perished in the attacks on the World Trade Center. It is worthwhile to revisit a theme from that column and from my subsequent chapter visits during that year that I believe is as valid today as it was 10 years ago.

What we do, moving individuals, families, and businesses, is essential to our American Way of Life. Mobility is about freedom, freedom to seize an opportunity, to change course, and to reinvent ourselves. What you do, Keeping America Moving, is important and should be carried out with pride.



(President's Comments cont. on page 4)

### (Chairman's Corner cont. from page 2)

something similar. The other day, I had a call from a fellow CMSA member who was generally new to the business and frustrated by a few "moving" issues. It was nice to commiserate with him because I have been there and had some words of encouragement for him. This is

the power of the CMSA. The only way to get your money's worth out of the CMSA is to get in and stay involved. I hope you will take the time to come meet me as I embark on my speaking tour at each Chapter with CMSA President Steve Weitekamp. I very much look forward to shaking the hands (and maybe share a beverage) with the members of the CMSA.

### (President's Comments cont. from page 3)

Recent calls and subsequent conversations have concerned regulatory issues that some carriers may not be aware of, or a past lack of enforcement may have caused them to be lax in their compliance. We are hearing from members that regulatory enforcement of all types is more aggressive and carriers need to be in compliance to avoid unnecessary fines. Please be alert to the following:

CSA2010 regulations require any commercial driver regardless of class of license (including a class C) is required to have a valid medical certificate when crossing a state line (interstate transportation) and operating a vehicle with a gross vehicle weight rating

(GVWR) of over 10,000 lbs.

Properly completed log books with driver activity, including local work, for the previous six days is a requirement for all intrastate shipments over 100 miles. Failure to be in compliance will result in a driver being placed out of service for 10 hours.

Your Chairman's column speaks of the power of CMSA and encourages your participation in upcoming chapter meetings. During our visits, we are discussing issues important to our industry and your business, and as always, I also look forward to speaking with you. Please review CMSA's upcoming calendar of events and make it a point to join us when we visit your local chapter.

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### (CARB Deadline cont. from page 1)

### **Vehicle Information**

Compliance reports must include the following information:

- Vehicle identification number;
- Vehicle manufacturer;
- Vehicle model;
- Gross vehicle weight rating;
- Vehicle model year;
- License plate number;
- The state, providence, or country where the vehicle is or was registered and type of registration plate;
- Date that a vehicle was retired, sold, or scrapped after January 1, 2012;
- Whether the vehicle will be designated as a low-use vehicle as defined in section 2025(d)(41);
- Whether the vehicle has been certified as non-operational with the California Department of Motor Vehicles or equivalent documentation from the state, province or country where the vehicle is registered and whether the vehicle will operate in California;
- Whether the vehicle is a fuel efficient

- hybrid vehicle;
- Whether the vehicle is propelled by an alternative-fuel engine;
- Whether the vehicle will use the extension or exemptions for vehicles used exclusively in NOx exempt areas in section 2025(p)(1);
- Whether the fleet size is more than three vehicles subject to the regulation with a GVWR greater than 14,000 lbs.; and
- Whether the vehicle was partially paid for with public funds, and if so, the information about the funding contract specified in section 2025(r)(18).

Source: The CARB website at http:// www.arb.ca.gov/msprog/onrdies el/regulation.htm

### **Analysis**

CMSA and other industry players obtained additional life for lighter bobtails and one truck fleets. In order to avail yourself of additional time to retire or upgrade your truck, you must report on time.

### Recommendations

If you have not already, you should have the answers to the Section (r) reporting information

(CARB Deadline cont. on page 6)



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### BEST AVAILABLE RATES

### (CARB Deadline cont. from page 5)

concerning the owner, vehicle and engine. CARB staff will inform CMSA when the states online reporting system is available. Hardcopy forms from CARB will also be available closer to the deadline.

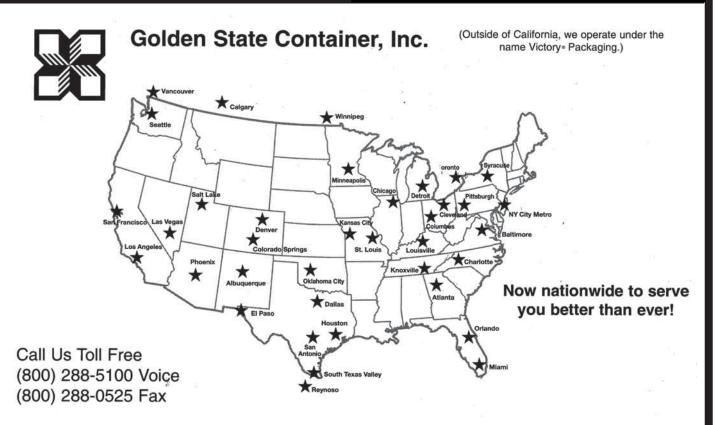
### **How to Report and Comply**

The CARB 1-866-6DIESEL hotline is a good source for information. As the TRAC was informed yesterday, the 13 part-time student employees are not equipped to fill out the reporting forms for you, but can provide references to specific questions. CleanFleets.net is also providing services to dozen of CMSA members in order to collect accurate data, compile the initial report due January 31, 2012, obtain the compliance certification, prepare a Fleet Analysis using all legal credits or extensions under the Rule and providing ongoing support.

#### Conclusion

In order to secure the compliance certificate, truck owners must report soon. There is no indication that a reporting extension will be granted or that one truck owners who missed the reporting deadline will be given another chance. Contact Cleanfleets.net with any questions related to this article.





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packing tape rubber bands panel carts floor runners shrink wrap

### > library carts

masonite carts appliance trucks fire extinguishers tape dispensers shoulder dollies pallet vaults

### > walkboards padlocks

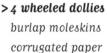
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Wed., Sept 21	Northern Region Chapter Meeting	Wed., Oct 19	Northern Region Chapter Meeting
Wed. Sept 21	San Diego Chapter Meeting	Tues., Oct 25	O.C./Beach Cities Golf Tournament
Thur., Sept 22	Mid Valley Chapter Meeting	Tues., Nov 8	Twin Counties Chapter Meeting
Fri., Oct 7	Monterey Bay Golf & Bocce Tournament	Wed., Nov 9	San Diego Chapter Meeting
Mon., Oct 10	Central Valley Chapter Meeting	Sun., Nov 13	Ventura/S. Barbara Ronald Reagan Presidental Library Tour
Tues., Oct 11	Greater Los Angeles Chapter Meeting	Tues., Nov 15	Mid Valley Chapter Meeting
Wed., Oct 12	Ventura/S. Barbara Chapter Meeting	Wed., Nov 16	Monterey Bay Chapter Meeting
Tues., Oct 18	North Bay Chapter Meeting	(Calendar of E	Events cont. on page 9)



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Tues., December 13 North Bay Chapter (Calendar of Events cont. from page 8) Meeting Thu., November 17 **Central Coast** Thu., December 15 Sacramento Chapter **Chapter Meeting** Meeting Tues., December 6 Joint LA and OC/BC Thurs., March 15 Sacramento Chapter Golf Tournament **Chapter Meeting** Fri., December 9 Northern Region April 10-15, 2012 CMSA Convention in

### Jensen Relocation is now Stadler & Jensen Moving

Kirk Jensen announced that Jim Stadler has rejoined the company in his former capacity as general partner.

Stadler & Jensen Moving was founded by Jim Stadler and Kirk Jensen in 1976. Stadler left the company in 1999 to pursue other interests.

The company is rebranding under their original name, Stadler & Jensen Moving. "Kirk and I were always a good team and I look forward to a long and successful relationship", said

Stadler.

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# Important Information Regarding International Shippers' Privacy

September 1st, 2011

### **Protect Your Clients' Privacy**

Update: Distribution of Personally Identifiable Information to Third Party Vessel Manifest Companies: How to Request Confidentiality

Over the past year and a half, IAM has publicized how Third Party Vessel Manifest companies are able to access and examine vessel manifests and summary statistical reports of U.S. inbound and outbound shipments. They are able to copy this information for publication and often distribute it via paid subscription online. An example of a third party vessel manifest company is Import Genius. Understandably, many household goods shippers are upset when they find their name and shipment information freely available on the internet.

The regulation (19 CFR 103.31) that enables this data sharing also details how a person or a company may request confidential treatment for their shipments. IAM members and their clients can request confidentiality by emailing privacy.cbp@dhs.gov with the necessary information and data elements.

On the following page, IAM has created a standard form that it is sharing with CMSA members and their clients in order to request confidentiality on their shipments.

Please note that household goods shipments must be done on a case-by-case basis. In order to effectively safeguard a client's privacy, ensure that any and all variations of their names are listed when filling out the form. It is also important that no personal identifying information (PII) is listed in the "marks and numbers" field on the bill of lading. Any data listed in the "marks and numbers" field is fair game and confidentiality cannot be requested to protect this information from being distributed. If a shipping line is advising that certain data elements must be placed in this field, please notify IAM.

IAM will remain updated on this matter and notify members should the regulation be altered. If you have any questions, please contact IAM Program Manager, Brian Limperopulos, at <a href="mailto:BrianL@IAMovers.org">BrianL@IAMovers.org</a>.

### Vessel Manifest Confidentiality Request Form for Individual Importing or Exporting Personal Effects and / or Household Goods

To request confidentiality on a shipment, the owner of the goods or its third-party authorized agent must fill out the below table. Once the table has been completed, verify all information, save it, and send it electronically to <a href="mailto:privacy.cbp@dhs.gov">privacy.cbp@dhs.gov</a>. The mover, upon obtaining authorization from the client, may request confidentiality on behalf of that client.

Requestor Name	
Address Line 1	
Address Line 2	
City	
State / Province	
Zip / Postal Code	
Phone	
Email	
Requestor Role*	
Relationship of party making request**	
Date of Submission	
Type of Confidentiality***	
Variation of Names to be Protected	

- \* The *requestor* may be one of the following for household goods shipments:
  - For import shipments to the United States, the requestor is the "Importer".
  - For export shipments from the United States, the requestor is the "Shipper".
- \*\* The *relationship of the party making request* can either the *first party* (owner of the goods) or the *third party authorized representative* (if the company managing their shipment requests confidentiality on the owners' behalf)
- \*\*\* The type of confidentiality refers to whether the shipment is an import or export.
  - For Import shipments, the type of confidentiality is *Inward Manifest*.
  - For Export shipments, the type of confidentiality is *Outward Manifest*.

# Port Authority Sets Toll Jump for Trucks Crossing into NYC

By: Timothy Cama, Transport Topics

Tolls for trucks entering New York City from

TOLL

anadura durint

New Jersey will more than double over the next five years, a larger increase than originally proposed.

The trucking industry pushed to shield trucks from the higher toll increases, but the Port Authority of New York and New Jersey, bowing to political pressure, trimmed its proposed increases for automobiles and instead boosted increases for trucks.

A 5-axle truck using E-ZPass during peak hours will pay \$90 to cross in 2015, a 125% increase over the current \$40. During off-peak

hours, that truck will pay \$85, a 143% increase from the current \$35. Trucks using cash will incur a surcharge of \$3 per axle.

"We're quite livid," Kendra Adams, executive

director of the New York State Motor Truck Association, said about the toll structure the Port Authority enacted Aug. 19.

"We're very disappointed; we're angry," she said.

American Trucking Associations joined the debate Aug. 25, sending a strongly worded letter to New York Gov. Andrew Cuomo (D) and

New Jersey Gov. Chris Christie (R) arguing that the increases will "devastate trucking companies who serve the New York City area" and

(NYC Toll Increases cont. on page 13)



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### (NYC Toll Increases cont. from page 12)

"increase the cost of doing business" in the region.

"I hope you will veto this ill-conceived pro-

posal," ATA President Bill Graves wrote, asking the governors to work with the industry to find a better solution. Either governor's veto would stop the plan, and ATA threatened "legal and legislative options" should the toll increases go through.

Truck tolls will increase by \$2 per axle in each year until 2015 on Port Authority bridges and tunnels, which go from New Jersey to New York, the Port Au-

thority said in a statement after its vote. Those crossings are the George Washington Bridge, the Lincoln Tunnel, the Holland Tunnel, the Goethals Bridge, the Outerbridge Crossing and the Bayonne Bridge.

The first round of increases will start in Sep-

tember, with subsequent ones taking effect in December 2012 and each year thereafter.

The Port Authority released a proposal Aug. 5 that would have put truck tolls at \$80 during peak hours for E-ZPass users, a plan that the

trucking industry opposed as being too drastic.

Cuomo and Christie, responding to public opposition to proposed toll increases for automobiles, urged the agency to reconsider and negotiated the current plan. Either governor has the power to veto toll increases.

While the new plan has smaller increases for cars, it shifts costs to the trucking industry, Adams

said.

"We're very disappointed and discouraged in both Gov. Cuomo and Gov. Christie," Adams said. "They're the ones that actually negotiated this plan and put the plan forward to the Port

(NYC Toll Increases cont. on page 14)



### (NYC Toll Increases cont. from page 13)

Authority."

Jim Runk, president of the Pennsylvania Motor Truck Association, was similarly disappoint-

ed in the Port Authority's decision.

"I don't think this is the right time to be putting increases in like this," he said. "The kinds of increases that they want, they're just astronomical." Due to Pennsylvania's close proximity to New York City, trucks from the state often use Port Au-

thority bridges and tunnels.

"The trucking industry has been assumed a cash cow by states all around the country," said Mike Riley, president of the Motor Transport Association of Connecticut. "It's going to increase the cost of living in the Northeast."

"The states ought to be doing things to at-

tract businesses to the Northeast," he added. "And increasing the cost of transportation significantly is counter to that objective."

Adams and the New Jersey Motor Truck Association wrote letters to both governors asking

them to push for plans with lower truck tolls, but "obviously that fell on deaf ears," she said.

Since the first round of increases is so close, the trucking groups will focus on urging the Port Authority and the governors to consid-

er making the upcoming toll increases smaller for trucks, Adams said.

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# The Truth About Search Engine Optimization (SEO) Part (3 of 3)

By: Allan Browning, Vision Quest Integrated Technologies

What you CAN DO to help your search listing opportunities.

Following is a list of things you can do for your site, in order of importance, that have no cost (or very little cost), and that most search engines look for in a website:

#### **Size Matters**

The larger the site, the better the chance a search engine will list it well. This is not often an option for the small business owner. However, if you have several services, say, household moving, packing, crating, etc., instead of listing all your services on one page, create a page for each specific service. This will increase the size of your site and help with keywords discussed later.

### **Update Frequency**

The more frequently a site is updated the

better it will list. This is due to the fact that search bots look for fresh content. If a search bot visits your site and sees new information, it will re-index your site. If it sees that nothing has changed, there is no reason to re-index the site. The longer the length of time between updates, the lower in the search engine index your site will be listed.

### **Inbound Links**

The more links inbound to your site from external sites, such as industry organizations and chambers of commerce, the better. Especially if those sites are large and already list well in generic search phrases associated with your industry. Think about clients, vendors and suppliers that also have sites and may be willing to link to your site from theirs.

### **Keywords and Meta Tags**

This one item is the most overstated and underutilized item in this list. An SEO will tell you

(SEO Part 3 continued on page 16)



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(SEO Part 3 continued from page 15)

that you MUST have meta tags and keyword text on a page for it to list well. This is NOT true. Here it is in Google's own words:

"Google doesn't use the "keywords" meta tag in our web search ranking. Google Search disregards keyword meta tags completely. They simply don't have any effect in our search ranking at present."

--Matt Cutts, Google Search Quality Team

Case in point is that in the previous example of XYZ Moving, at the time of this publication, their site had NO meta tags and was not optimized with keywords in its body text. However, the site DID list on the first page of a Google search.

A site should have at least the following meta tags:

Title
Description
Keywords
Key Phrases

These meta tags should NOT be exactly the same on each page. They should be tailored for the content of the page in which they are imbedded. Then, throughout the page where the tags are placed, the keywords and key phrases should appear in the text of the page at least once.

### Site Map

Search engines need to know all of the pages of your site. While they can follow the links found in your website's menu, it is very helpful if you provide them a single page with links to all the pages in your site. Most search engines look for a single special page called SITEMAP.XML. This is a specially designed page written in Extensible Markup Language that makes it easier for a search bot to find all of the pages in your site.

Other things you can do that usually have a cost associated with it:

### Search Engine Submission

Most search engines provide a way for you to let them know you have a website by registering it. You can do this manually one at a time,

(SEO Part 3 continued on page 17)

## CHAMPION RISK

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### (SEO Part 3 continued from page 16)

but since there are literally thousands of search engines on the Internet, we recommend you have this service performed by a company that can automate this task for you. You may also want to have this service performed on a regular

basis just to ensure your site is visited by search bots.

### Website Statistics

A website statistic report provides information regarding the performance and traffic of your website. This information may include page views, unique visitors, pages requested, campaign tracking, hits on pages, and

literally hundreds of other data items. The key items to look for in web statistics is total visiting users and the top pages requested.

Total visiting users tells you how many actual visitors have come to your site. This should not be confused with "hits" which is a grossly overstated number with very little meaning. The num-

ber of total visiting users should be tracked on a regularly basis, say monthly, and trended over time to see if traffic is increasing, decreasing or stable.

To help trend your total visiting users in a positive direction, look at the top pages requested. If you find the top pages visited on your site

to be your home page and your contact page, this could be an indication that the content of your site is not catching the attention of the visitor. You may want to add industry-related content or a specials page to attract attention.

The statistics can also tell you how long, on average, someone viewed a

page. Again, an indication of interest on the part of the visitor. If you have a page with a lot of text but the average visit is only 10 seconds, you may want to revise that page.

Hopefully this (series of) article(s) has provided you with a clear understanding of SEO and some direction to help you achieve your SEO goals.



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# Court Tosses EOBR Regulation on Harassment Argument

By: Jami Jones, Land Line Senior Editor

Friday, Aug. 26, 2011 –It took only one of the three arguments raised by the Owner-Operator Independent Drivers Association (OOIDA) for the U.S. Court of Appeals for the

Seventh Circuit to vacate the electronic on-board recorder regulation.

The opinion filed Friday by the court vacated the rule and sent it back to the agency for further proceedings consistent with the ruling.

"It's a fantastic decision," OOIDA President Jim Johnston said. "The decision dealt with the issue of harassment of drivers, but the court left room to come back and challenge other aspects if the agency gets overly enthusiastic about how they want to monitor truckers." The regulation under fire was the 2010 final regulation mandating the use of electronic onboard recorders for companies with a safety history that reflects a 10 percent or greater level of non-compliance with the hours-of-service regulations in one compliance review.

OOIDA filed suit against the agency contending that the rule was arbitrary and capricious because it does not "ensure that the devices are not used to harass vehicle operators," as required by law. The Associ-

ation's lawsuit also contended that the costbenefit analysis failed to demonstrate the benefits of the technology and that the EOBRs violate the Fourth Amendment.

The opinion from the Seventh Circuit, prepared by Circuit Judge Diane Wood, stated that

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the court needs to "address only the first issue" of driver harassment.

The opinion states that if an agency "fails to consider a factor mandated by its organic statues, this omission is alone 'sufficient to establish an arbitrary-and-capricious decision requiring vacatur of the rule."

FMCSA was directed by Congress back in the late 1980s to "ensure that the devices are not used to harass vehicle operators."

"There is no question that section 31137(a) is mandatory," Judge Wood wrote in the opinion.

She wrote that FMCSA's first argument that it did consider driver harassment can be set aside immediately.

Judge Wood wrote, "The FMCSA suggests that a single conclusory sentence in the final

rulemaking to the effect that the Agency 'has taken the statutory requirement into account throughout the final rule' is enough by itself to satisfy section 31137(a). It is not."

Judge Wood equally dismissed the agency's second argument contending that driver harassment was considered during the rulemaking process.

"The Agency's back-up argument fares no better than its first one," she wrote. "For the first time in its consideration of EOBRs, the Agency's brief before this court introduces the argument that its consideration of privacy and the Privacy Impact Assessment it produced also addresses the statutory factor of harassment."

"This argument is too little, too late."

The ruling vacates the regulation and sends it back to the agency for further proceedings consistent with the opinion.

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### (EOBR Regulation cont. from page 19)

Of note, the final rule struck down in the opinion is not the only electronic on-board recorder mandate pending from FMCSA. The agency already has a second rulemaking in pro-

gress that would mandate EOBRs in all trucks.

While there are many options before the agency at this point, including a possible appeal of the Seventh Circuit's decision, the agency could retool the regulation or even simply move forward with a full mandate while attempting to address driver harassment in such a way that it relieves the court's concerns raised in the opinion.

In the opinion, Judge Wood also outlined a couple ways the agency should and/or could address driver harassment.

In one instance, she wrote that the agency needed to clearly define a distinction between productivity and harassment and "must also de-

scribe what precisely it is that will prevent harassment from occurring."

The court also suggested that a comprehensive study of motor carriers both using and not using EOBRs could prove beneficial.

"The Agency needs to consider what types

of harassment already exist, how frequently and to what extent harassment happens, and how an electronic device capable of contemporaneous transmission of information to a motor carrier will guard against (or fail to guard against) harassment," Judge Wood wrote.

"A study of these problems with EOBRs already in use, and a comparison with carriers that do not use these devices, might be one obvious way to

measure any effect that requiring EOBRs might have on driver harassment."

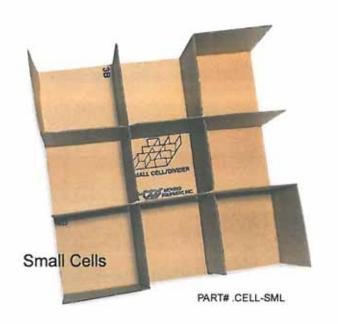
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