

# **Petition for Reconsideration**

Filed with the Federal Motor Carrier Safety Administration

Regarding the Final Rule on Electronic On-Board Recorders as Published in the Federal Register  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**49 CFR Parts 350, 385, 395, and 396**

**[Docket No. FMCSA–2004–18940]**

**RIN 2126–AA89**

**Electronic On-Board Recorders for Hours-of-Service Compliance**

## **Submitted by:**

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## **Petition to Reconsider EOBR Final Rule Requirements**

*This petition is filed consistent with the requirements of 49 CFR Section 389.35*

The 395.16 Electronic On-Board Recorders (EOBRs) final rule includes two technical specifications that are unrealistic, very costly, and are probably not what was actually intended. It is recommended that FMCSA take immediate action to resolve these issues to avoid creating uncertainties and disruptions in transitioning to 395.16 compliant EOBRs by June 2012.

The impact of the Appendix A technical requirements, as listed below, would force the industry to develop significantly more expensive hardware and to incur extraordinary transitional costs in order to be compliant. Based on our experience and a review of commercially available equipment being used for transportation telematics, these additional requirements do not appear to be appropriate. The requirements in question are:

### 395.16 Appendix A:

- 3.1.5.1 Temperature. The EOBR must be able to operate in temperatures ranging from -40° C to 85° C.
- 2.2 Wired. EOBRs must be capable of transferring RODS using the "Universal Serial Bus Specification (Revision 2.0) (incorporated by reference, see § 395.18)." Each EOBR device must implement a single USB compliant interface featuring a Type B connector. The USB interface must implement the Mass Storage class (08h) for driverless operation.

The operating temperature range is not currently supported by commercially available ruggedized mobile computing systems or any of the 395.15 compliant EOBR products in use today. To re-engineer devices to cover such temperature extremes would add significant cost to the devices. Commercially available ruggedized telematics devices with displays typically meet a minimum operating temperature range of -20° C to 60° C.

The USB Type B connector, as specified, is not normally part of an EOBR configuration. Most EOBR capable devices with a USB interface support Type A connectors, not Type B, and may have processors and file systems with limitations in supporting emulation of a USB mass storage device (E Drive). The cost of altering or retrofitting deployed systems could be very significant for the industry. However, if the specification allowed for EOBRs to have a Type A connector and the download process to use USB mass storage device, this would be immediately compatible with existing devices. This approach avoids costs of retrofits and device obsolescence and improves interoperability with law enforcement laptops that might not be easily connected to the EOBR through a cable.

## **Conclusion**

### **Recommendation for temperature operating range:**

- Remove the temperature operating range specification from 395.16. Appendix A. The industry will adopt best available components and systems to meet actual operational needs as identified by the market.
- Alternatively – apply a ruggedized device requirement for a -20° C to 60° C temperature operating range which is in line with commercially available equipment.

### **Recommendation for use of USB in driver log data downloads:**

- At a minimum, remove the requirement for a Type B connector and allow for USB data download via a Type A connector using a mass storage device that is provided by the enforcement agent. Additional implementation approach details in terms of authentication, security, and process controls should be left to the key stakeholders as with the wireless options for EOBR data downloads.

### **Time of the essence:**

- It is essential for timely reconsideration of 395.16 technical specifications in Appendix A to avoid negative consequences in the transition to the next generation of EOBRs.
- Other major issues inherent with the enforceability and reliability of EOBRs will be filed at a later date.