

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 7, 2024

1:32 p.m.

MEMBERS PRESENT

Senator James Kaufman, Chair
Senator David Wilson, Vice Chair
Senator Löki Tobin
Senator Jesse Kiehl
Senator Robert Myers

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: THE HOURS OF SERVICE AND ELECTRONIC LOG REVIEW

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

THERESA WOLDSTAD, Staff
Senator Robert Myers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on the presentation: The Hours of Service and Electronic Log Review.

DERRICK GRIMES, Crash Data Manager
Highway Safety Division
Department of Transportation and Public Facilities (DOTPF)
Juneau, Alaska

POSITION STATEMENT: Answered questions on the presentation The Hours of Service and Electronic Log Review.

JUSTIN BURGESS,
Odyssey Logistics
Fairbanks, Alaska

POSITION STATEMENT: Testified by invitation on the presentation The Hours of Service and Electronic Log Review.

ACTION NARRATIVE

[1:32:51 PM](#)

CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Myers, Tobin, Wilson, Kiehl, and Chair Kaufman.

PRESENTATION: THE HOURS OF SERVICE and ELECTRONIC LOG REVIEW

[1:33:31 PM](#)

CHAIR KAUFMAN announced consideration of a presentation, The Hours of Service and Electronic Log Review by Senator Robert Myers and invited presenters.

[1:34:30 PM](#)

SENATOR ROBERT MYERS, Senator, District Q, Alaska State Legislature, Juneau, Alaska, began the presentation, The Hours of Service and Electronic Log Review. He reminded the committee that his primary occupation involves driving trucks and that the topic he brings to the committee today has been building over the past few years. He said the difficulty with this concern is that it primarily pertains to federal law and there is very little that can be done at the state level. However, due to the significant impact of this issue on the state, his objective is to put it on the record and inform the committee and the legislature.

SENATOR MYERS moved to slide 1. He said he would be joined by representatives of the transportation industry to share how Electronic Logging Device (ELD) implementation has affected them and their business. He said he would cover the mandate implemented by the federal government at the end of 2017, and the subsequent safety impacts across the state of Alaska.

[1:35:42 PM](#)

SENATOR MYERS moved to slide 2 and said Hours of Service (HOS) limits have been in effect since the 1930's with the goal of reducing driver fatigue and hence accidents. He paraphrased the following points:

[Original punctuation provided.]

Federal Motor Carrier Safety Administration

Hours of Service (HOS)

- FMCSA governs the working hours of anyone operating a commercial motor vehicle (CMV) in the United States.
- Hours of Service (HOS) represent the daily maximum limits that a commercial driver may operate a CMV.
 - HOS rules also includes the number and length of rest periods between operation hours, to help ensure that drivers stay awake and alert.
- HOS applies to any operator of a commercial vehicle that is used as part of a business and is involved in interstate commerce.

[1:36:08 PM](#)

SENATOR MYERS moved to slide 3 and said the table is an example of the HOS rules drivers deal with on a regular basis. Alaska has some exemptions that were written into federal law in the 1980's. The justification for the exemptions is that Alaska has longer distances between populated areas and fewer safe rest stops. The exemptions allow for traveling those longer distances, finding rest stops and food along the way:

[Original punctuation provided.]

Hours of Service (HOS)
(alternate formatting)

Property Carrying Drivers

Standard US	Alaska
11-Hour Driving Limit May drive maximum of 11 hours after 10 consecutive hours off	15-Hour Driving Limit May drive maximum of 15 hours after 10 consecutive hours off
14-Hour Limit May not drive 14 consecutive hours after 10 consecutive hours off	20-Hour Limit May not drive 20 consecutive hours after 10 consecutive hours off
60-Hour Limit per 7 days 60-hour limit for 7 consecutive days, if not operating every day in week	70-Hour Limit per 7 days 70-hour limit for 7 consecutive days, if not operating every day in week
70-Hour Limit per 8 days 70-hour limit for 8 consecutive days, if operating every day in week	80-Hour Limit per 8 days 80-hour limit for 8 consecutive days, if operating every day in week

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SENATOR KIEHL asked for an explanation of how the second rule on the table works in relation to the first rule.

[1:37:23 PM](#)

SENATOR MYERS explained that the 14-hour limit in the US and the 20-hour limit in Alaska are the total number of hours a driver may work, not the total they may drive. Once a driver hits a driving limit, they must take a full rest period before they are eligible to drive again. Drivers may still work, but they may not continue to drive.

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SENATOR TOBIN asked how the HOS limits work in rural or remote areas where the roads are not long, but the driver goes back and forth on the same roads.

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SENATOR MYERS explained that there is a short haul exemption which applies to rural areas. There are requirements for the exemption to apply:

1. The driver can't drive more than 100 air miles from the original destination.
2. The driver must start and end workday at the same spot.
3. The driver can't work more than 12 hours in that day.
4. The driver must have a record of clocking in and out, which looks more like standard job/work shift.

SENATOR MYERS explained that this presentation on Electronic Logging Devices (ELD) and Hours of Service (HOS) deals primarily with longer distance trucking. The majority of driving in cities is under the short-haul exemption for which HOS rules and ELD's don't apply.

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SENATOR MYERS moved to slide 4 and said that, beginning in December 2017, the federal government mandated the use of ELD's in most trucks to record the hours of service. He said ELD's have been around for several years, but many companies did not adopt them before the mandate:

[Original punctuation provided.]

Electronic Logging Devices (ELD)

- **Electronic Logging Devices (ELD)**

- Devices that synchronize with a CMV engine to automatically record driving data.
- Drivers can use ELDs to certify their records and transfer data
- Data file is sent to safety officials who review data and flag potential violations
- **ELD Rule / Mandate**
 - FMCSA mandated the use of ELDs by 2018
 - Purpose is to reduce overall paperwork burden,
 - improve compliance with the applicable HOS rules and improve CMV safety.

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SENATOR MYERS moved to slide 5, ELD Rule Implementation Timeline, and said the timeline shows the development and implementation of the ELD rule and mandate along with a table depicting Alaska Commercial Motor Vehicle Crashes by Year and Severity for the years 2014 through 2022.

SENATOR MYERS pointed out that the implementation of the ELD mandate in Alaska corresponds to a huge increase in crashes that involve Commercial Motor Vehicles (CMV) starting in 2018. Crashes went down significantly during the COVID pandemic due to less traffic on the road. He said there is not yet data from 2023 but he expects to see a significant uptick in crashes that year due to much higher activity on the slope as well as many newer drivers coming from out of state.

[1:41:02 PM](#)

CHAIR KAUFMAN commented that there is a tremendous difference between the 2017 and 2018 data. He asked if this presentation would discuss the cause and effect of that difference.

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SENATOR MYERS replied that he would discuss it briefly and that the industry representatives present will share more about how it has affected them. He pointed out that the issue is there is a huge increase in crashes, and it appears to correspond with the ELD mandate taking effect.

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CHAIR KAUFMAN asked if other jurisdictions have experienced similar results or if there is a national trend along the same lines.

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SENATOR MYERS replied that the national numbers are not as clear. He said while Alaska experienced a drop and then a flatline between 2012 and 2015, the national numbers showed an increase in crashes during that time. Similar to Alaska, he said there was a drop in the number of crashes in 2020 and 2021 related to reduced overall traffic during COVID. The numbers at a national level are not as clear, but on a national level, it appears that ELD's did not improve safety.

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SENATOR KIEHL asked for an explanation of the null value in the top line of the table on slide 5.

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SENATOR MYERS deferred to his staff.

[1:43:21 PM](#)

THERESA WOLDSTAD, Staff, Senator Robert Myers, Alaska State Legislature, Juneau, Alaska, deferred the question regarding the crash data set to Mr. Grimes.

[1:43:55 PM](#)

DERRICK GRIMES, Crash Data Manager, Highway Safety Division, Department of Transportation and Public Facilities (DOTPF), Juneau, Alaska, explained that he oversees the transition of Department of Transportation and Public Facilities (DOTPF)'s crash data reports into the repository the State of Alaska uses to determine a lot of projects. He said null value in this case should be interpreted as "no injury". He explained that this table is the result of blending two sets of data resulting from two different versions of the crash form. The earlier version of the crash form included the ability to enter a null value. This is an example of vestigial data and in the column for 2022, there are no "null" entries. He said DOTPF have recently begun to tidy up data problems like this at a systemic level.

[1:44:55 PM](#)

CHAIR KAUFMAN asked whether the method of data capture is consistent enough to determine whether what looks like a trend really is a trend. He asked if there has been any adjustment in how data is assessed or captured that may have created an artifact or the appearance of an increase.

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MR. GRIMES answered that was not the case for 2018 with the large increase in Commercial Motor Vehicle (CMV) incidents. In 2013 there was a massive overhaul of the crash data form, so data prior to 2013 would have been reported on the old data form and 2013 forward would have been on the new data form. The method of data collection has not changed. He said the data comes from law enforcement via Division of Motor Vehicles. The type of data and the amount of data collected has changed significantly between 2013 and post-2013.

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SENATOR MYERS moved to slide 6, displaying a line graph Alaska Total CMV Involved Crashes by Year and Severity. He noted the increase in crashes from 2010 through 2014 and said it could be due to more traffic on the road because it was busier on the north slope. The oil price crash in 2014 and 2015 led to less traffic and the crash numbers "bottoming out." He noted that in 2018, the number of crashes increased by more than 100 percent. The increase was surprising because there was not a significant increase in traffic that year.

SENATOR MYERS suggested that the use of ELDs has increased compliance to HOS rules and demonstrated that the HOS rules don't work for Alaska. He said the HOS rules don't take [variability in] driver behavior into account and they sometimes encourage drivers to drive when it's unsafe to do so.

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SENATOR WILSON asked the DOTPF representative whether data shows a trend continuing downward or if it's going back up after the COVID years. He asked if there is any preliminary data that could be shared.

[1:48:29 PM](#)

MR. GRIMES answered there is additional data indicating a general downward trend in crash reporting, but without doing a deeper data analysis, it's tough to say what the trend is. He reported that there is discussion at the national level that driver behavior coming out of COVID is worse and there is an expectation that there will be a higher number of crashes. He said Alaska is always different.

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SENATOR WILSON asked specifically about the comparison between 2023 data and 2022 data.

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MR. GRIMES said he could not put a number on 2023 crashes right now. He said there is an issue with the 2023 data set on delivery. He said he expects the 2023 number would fall in line with the current declining trend and he guessed it would be 300. It will largely depend on the details at the end of the year.

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SENATOR KIEHL asked if there is sufficient detail in the data to adjust the chart by Commercial Motor Vehicle (CMV) miles driven.

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MR. GRIMES said it would require a concerted effort between different data sets and departments to produce a chart that would compare crash data and CMV miles driven. The data sets required would include:

- traffic data,
- sections data to provide vehicle miles traveled per segment of road,
- GIS analysis to map crashes,
- GIS environment analysis to determine which roads would be affected in crash ratings.

[1:51:02 PM](#)

SENATOR MYERS commented that there are some national sets of data on miles driven per year, but he is not aware of any specific to Alaska.

[1:51:52 PM](#)

CHAIR KAUFMAN announced invited testimony on the hours of service and electronic logging devices for commercial drivers.

[1:52:06 PM](#)

JUSTIN BURGESS, Odyssey Logistics, Fairbanks, Alaska, gave invited testimony during the presentation on The Hours of Service and Electronic Log Review. Mr. Burgess expressed concern about HOS rules affecting sleeper splits for drivers. He said that, as a driver travels on the road, they can only split their sleeping hours between 8 and 2 or 10 hours off-duty. He noted that there is a more aged truck driver population in Alaska. Drivers who stop to take a one-hour nap in a safe haven are penalized for taking that hour off and lose an hour in their daily logs. He said the main issue with HOS is the way sleeper berth must be split up.

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At ease

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CHAIR KAUFMAN reconvened the meeting and asked Senator Myers to discuss the impact of ELDs with respect to the sleeping/resting schedule.

[1:55:12 PM](#)

SENATOR MYERS explained that, as a commercial driver, he has four things that he counts in his paper log or electronic log as work time: driving, on duty not driving, off duty, and sleeper berth. He related examples comparing paper logs and ELD's to hours when driving. He said there are different advantages to each. He acknowledged that, when using paper logs, people would fudge their entries. He said a driver can't do that with electronic logging devices (ELDs). ELD's require strict compliance and he opined that a driver is to some extent encouraged to continue driving when tired. He suggested that one solution is to ask the federal government to change the sleeper berth rules so that a driver would not be required to take a full ten hours to sleep or a strict eight hour/two hour split but could split their sleep time however they wanted to. He offered examples and said the Hours of Service (HOS) rules combined with Electronic Logging Devices lead to insufficient rest and, on the back end, inefficient use of time while waiting for a ten-hour rest period to end.

He concluded that because a driver is held to strict compliance with HOS rules when using ELDs, they are encouraged to continue driving into heavy traffic or bad weather when they should perhaps pull over and rest or wait an hour.

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CHAIR KAUFMAN said that it's one thing to point out a problem and another to try to solve it. He referred to slide 3 which compared the standard US HOS rules to Alaska HOS rules and asked how the exemptions were created.

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SENATOR MYERS said those exemptions are part of the federal statute and that it was thanks to Senator Ted Stevens that they had been written into the law.

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CHAIR KAUFMAN asked whether Senator Myers intended to ask for a resolution asking the Alaska delegation [to US Congress] to change something.

[1:59:04 PM](#)

SENATOR MYERS replied that is an avenue he is looking into. He said he is bringing it before this committee first to help spread awareness. He agreed any change would be at the federal level. He said his research suggested the sleeper berth change could be made through regulation. The Hours of Service (HOS) rules are federal statute. He reiterated that one solution may be a more flexible approach to sleep splits rather than changes to the HOS rules.

[2:00:02 PM](#)

CHAIR KAUFMAN expressed curiosity about the 2018 spike [in the number of crashes]. He noted that after the spike in 2018, the [number of crashes] trends down. He questioned whether there is a durable trend in a negative direction and proposed keeping an eye on [the data].

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SENATOR MYERS explained that COVID complicated the data. He acknowledged the data shared by DOTPF indicates a decrease in overall crashes, statewide. However, he said he suspects the number of crashes for commercial vehicles is increasing, though he lacks data.

[2:02:02 PM](#)

CHAIR KAUFMAN pointed out there have been changes to Commercial Driver's License (CDL) training requirements at the federal level.

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SENATOR MYERS said entry level requirements changed around 2019. He expressed doubt that CDL changes had made much difference [in driver behavior] yet, since formerly certified drivers were "grandfathered in."

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SENATOR TOBIN asked whether other states are seeking similar changes to the HOS and ELD rules.

[2:03:08 PM](#)

SENATOR MYERS said he hasn't heard from other states yet. Data he has seen so far from other states was not as stark as Alaska's data. He said there was already an increase in crashes before the ELD's went into effect which makes it harder to talk about cause and effect. He reported that the Federal Motor Carrier Association did make a slight change to the sleeper split law. The change went into effect at the end of 2020 and allowed a seven/three hour split for rest hours in addition to

the eight/two split. He would like to see more flexibility, allowing for a driver to take the small chunk [of rest] first and the large chunk later. He acknowledged that different schedules work better for different drivers. He would pursue an exemption for Alaska first and endorse a closer look [by federal authorities] at the data for the rest of the country as well.

2:05:00 PM

SENATOR KIEHL asked if there is information on the relationship between driver experience and the spike and decline in the number of crashes.

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SENATOR MYERS said he can offer anecdotal answers, but he is not aware of available data that would indicate [a link between CMV driver experience and the number of crashes]. He pointed out that through this time, baby boomers were retiring, including truck drivers, and with the oil price crash in 2014/2015 a lot of drivers left Alaska and there were not many new drivers coming in. He said in 2022 and 2023 there are a lot more opportunities for drivers.

2:07:09 PM

SENATOR KIEHL noted that drivers adjusted their behavior to stay as close to compliance as they were able when they used paper logs. He asked if there have been similar behavior adaptations to driving conditions while using ELDs.

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SENATOR MYERS said if there was a problem with a paper log, a driver could rip out a page and start over. He described situations that would require adjustments to ELD records and that it is usually a closely monitored, multi-step process to make changes.

2:09:45 PM

SENATOR MYERS concluded that it is possible to alter ELD records, but alterations will not be made at the same frequency or for the same reasons as in the past.

2:10:10 PM

SENATOR MYERS recognized that Hours of Service and Electronic Logging Device rules review is a niche topic, however, he said that an increase from around 300 crashes to more than 700 crashes in one year is something worth investigating.

2:11:28 PM

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 2:11 p.m.