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...from the
director's chair

Fun with ELDs

I got the call today that my new car will be ready for pick-up next week, so by the time you're reading this, I'll be driving my new VW Golf Sportwagon. I've been waiting months to order this car, available in Canada only since March, so I've had time to do lots of research. After 11 years with my tough little Jetta, there was no question that I'd be buying another Volkswagen diesel. But this would be my first car with the new emissions system, so I pestered my salesperson relentlessly with questions about DPF lifespan, when to check for ash loading, and how often to refill the DEF tank.

He was patient and accommodating, and had a sense of humour, too. Along with heaps of technical information, he directed me to The Fun Theory (thefuntheory.com), a Volkswagen initiative dedicated to the idea that simple fun can be an easy way to change people's behaviour for the better.

VW was looking for ideas and inventions that would help prove its fun theory; the top Fun Theory Award went to a guy who posed the question: what if, instead of focusing on punishing speeders, speed cameras were used to reward good behaviour? His answer was the Speed Camera Lottery. The camera "catches" all drivers, but drivers who obey the speed limit are automatically entered into a lottery to win the pot, which is built from the fines of speeders. Brilliant.

That got me thinking about FMCSA's recent call for public comment on what it dubs Beyond Compliance, a potential program that would take a carrier's "proactive voluntary implementation of state-of-the-art best practices and technologies" into consideration when evaluating the company's safety program.

The agency, it seems, agrees that an incentive-based approach to improving carrier safety would be a more effective tool than the current penalty-based system. Beyond Compliance is just an idea so far, and may never get off the ground, but FMCSA wants to hear from industry: what technologies or best practices should be included, and what incentives would en-

courage carriers to voluntarily invest in them?

The whole "voluntary vs. mandatory" dilemma is one that will soon be facing Canadian regulators as the electronic logging device (ELD) debate heats up. ELDs have been on our radar screen since even before our new HoS regulations came into force in 2007. It was recognized then that emerging technologies had the potential to improve compliance, but also raised a number of issues in terms of uniform enforcement protocols and harmonization with the US. Years ago, the Canadian Council of Motor Transport Administrators (CCMTA) set up a project group to develop a technical, performance-based standard for ELDs. It's a work in progress, the latest draft standard we've seen being a side-by-side comparison of the proposed Canadian and US rules to ensure consistent approaches.

More recently, Canada has begun to consider the policy options for a national ELD program and has invited input from industry stakeholders. What would it look like: universal mandate? Targeted approach? Voluntary adoption? Groups like the Canadian Trucking Alliance, as well as suppliers of the more comprehensive tracking systems, are strong proponents of mandating ELDs. On the other hand, provincial and territorial governments, who would be accountable for regulation, delivery and enforcement of any new ELD program, are not so gung-ho. In fact, in a roundtable check at a CCMTA meeting last Fall, every jurisdiction, with the exception of Ontario, favoured a voluntary approach to ELD use.

Last year when the US published its proposed rulemaking to mandate ELDs, Canadian regulators picked up the pace in anticipation of the final US rulemaking expected this September. Currently, Transport Canada is in the process of assembling and analyzing a whole pile of data trying to determine costs and benefits, both to industry and government, of a mandatory ELD requirement.

From what I've seen so far, it's a pretty superficial exercise. When you're simply weighing



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the cost of the ELDs, verification equipment for inspectors, and inspector/driver training against the huge reduction in administrative burden for carriers and enforcement, there's no doubt in my mind that Transport Canada's exercise will show benefits outweighing the costs. What irks me most, though, is that no one is looking past the numbers to the real issues behind the pro and anti-ELD arguments. For the naysayers, it's less about the technology, and more about driver pay and the unforgiving inflexibility of HoS. On the pro side, it's the companies who are paying a decent dollar off the e-logs and managing their operations (legally) to compensate for the shortcomings of HoS that have earned their drivers' acceptance of the technology.

But in any case, if the darn things are so cost-effective, why do we have to mandate them? Why not promote voluntary adoption, combined with some kind of incentive for their use? Why not make them fun?

It's not just VW's Fun Theory, by the way, that highlights the desirability of reward over punishment. The Netherland's prestigious Institute for Road Safety Research has studies showing that road safety behaviour can be changed more quickly effectively by rewarding desirable behaviour rather than by penalizing undesirable behaviour.

Even Transport Canada, in its 2011 report on Road Safety in Canada acknowledges the effectiveness of educational programs and incentives in promoting road safety practices.

Could our prosaic and somewhat humourless regulators get their heads around the idea of ELDs, incentives, voluntary, and fun, all in the same sentence?

Sigh. I think I'll just go play with my DPF.