



February 1, 2018

The Honorable Cathy F. Gautreaux, Deputy Administrator
Federal Motor Carrier Safety Administration
Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Fax: (202) 366-7952
cathy.gautreaux@dot.gov

Re: Application to Federal Motor Carrier Safety Administration ("FMCSA") for Exemption from the Electronic Logging Device ("ELD") Rule.

Dear Ms. Gautreaux:

Thank you for your letter of January 5, 2018 received by the SBTC on January 16, 2018 in which, you denied our request for reconsideration of the ELD rule as "untimely" and directed us to enhance our exemption application to conform to the requirements of 49 C.F.R. 381.310. We now offer these comments in response, to clarify and supplement our original November 20, 2017 request.

First, please note that we asked for the ELD rule to be reconsidered, not under the original ELD rulemaking docket, per se, which FMCSA relies on to justify a denial of our request as "untimely," but in the context of a new timely comment in response to docket **DOT-OST-2017-0069-1442**, which, as you know, was a *Notification of Regulatory Review* and request for comments issued by the USDOT on October 2, 2017 seeking comment from the public on "**existing rules**" and other agency actions that are good candidates for repeal, replacement, suspension, or modification.

As indicated in our November 20, 2017 letter to the Secretary, we suggest that the ELD rule is a good candidate for repeal. We defer to our November 20, 2017 comment suggesting driver free speech issues require the reconsideration of the ELD rule in its entirety and we hereby petition FMCSA now for reconsideration of its January 5, 2018 denial of that November 20, 2017 request to review same in furtherance of that general USDOT regulatory review notice concerning the ELD rule previously promulgated by FMCSA that has now gone into effect on December 18, 2017 (see: <https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31336.pdf>).

Insofar as we requested a stay on implementation of the ELD rule back in November and that request was not acted upon before December 18, 2017, a stay is now moot.

1775 I. (Eye) Street NW, Suite 1150 Washington, DC 20006 (202) 731-8223 www.smalltransportation.org

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Notwithstanding the two issues above, we next turn to the specifics of 49 C.F.R. 381.310 incorporated below (as opposed to 49 U.S.C. 13541 that we as a trade group followed as a guideline in our original November 20, 2017 letter) as best we can, given the fact that this rule appears to be designed to guide an actual motor carrier as opposed to a trade group like the SBTC.

§ 381.310 How do I apply for an exemption?

(a) You must send a written request (for example, a typed or handwritten (printed) letter), which includes all of the information required by this section, to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

SBTC Response: we offer this letter to conform our request to § 381.310(a).

(b) You must identify the person or class of persons who would be covered by the exemption. The application for an exemption must include:

- (1) Your name, job title, mailing address, and daytime telephone number;*
- (2) The name of the individual or motor carrier that would be responsible for the use or operation of CMVs;*
- (3) Principal place of business for the motor carrier (street address, city, State, and zip code); and*
- (4) The USDOT identification number for the motor carrier.*

SBTC Response: as explained in detail below, the class is all motor carriers with fewer than 50 employees.

Name: James Lamb

Job Title: SBTC President

Mailing/physical address: 1775 I. (Eye) St. NW, Suite 1150 Washington, DC 20006

Daytime phone number: (202) 731-8223

The name of the individual or motor carrier that would be responsible for the use or operation of CMVs: N/A*

Principal place of business for the motor carrier (street address, city, State, and zip code): N/A*

The USDOT identification number for the motor carrier: N/A*

***Note this is a request by a trade group on behalf of industry, not a motor carrier.**

(c) You must provide a written statement that:

- (1) Describes the reason the exemption is needed, including the time period during which it is needed;*
- (2) Identifies the regulation from which you would like to be exempted;*
- (3) Provides an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption;*
- (4) Assesses the safety impacts the exemption may have;*
- (5) Explains how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation; and*
- (6) Describes the impacts (e.g., inability to test innovative safety management control systems, etc.) you could experience if the exemption is not granted by the FMCSA.*

SBTC Response: Again, this rule appears to apply to an application submitted by a particular motor carrier as opposed to a trade group. We are therefore generally addressing the reason a permanent exemption is needed from the ELD rule and our assessment of safety impacts. We note Section 13541(a) of title 49 of the United States Code (49 U.S.C. 13541) does not limit exemptions to temporary periods. As FMCSA is the custodian of motor carrier census data collected from carriers through the MCS-150 biennial report, we defer to FMCSA to determine the total number of drivers and CMVs that would be operated under the exemption. As members of the SBTC and the industry at large will continue to track their hours of service through paper logs and that method has been sufficient since the 1930s, we believe the level of safety is already assured by the pre-existing Hours of Service rule as opposed to this ELD enforcement mechanism rule. With respect to impacts small businesses will experience, we incorporate any and all other applications for exemption as well as the original comments to the ELD rulemaking record here by reference and explain further below.

(d) Your application must include a copy of all research reports, technical papers, and other publications and documents you reference.

SBTC Response: we have attached the poll and the results of our online survey.

ANALYSIS OF FMCSA'S INTERPRETATION OF MAP-21 & RULEMAKING ON ELDS

By way of background, the SBTC is a 501(c)(6) non-profit trade organization with over 8,000 dues-paying members that represents, promotes, and protects the interests of small businesses in the transportation industry. In filing this exemption application, the SBTC specifically seeks reassessment and reconsideration of the impact of the ELD rule on small private, common and contract motor carriers with fewer than 50 employees, including, but not limited to, one-man private and for-hire owner-operators of commercial motor vehicles operating in interstate commerce.

In terms of action taken by the FMCSA, an agency of the USDOT, the FMCSA published a final rule --after conducting public notice and comment rulemaking--in furtherance of the Moving Ahead for Progress in the 21st Century Act ("MAP-21") on December 16, 2015, in which, the FMCSA referenced the steps it had taken to minimize adverse economic impacts on small entities (see: <https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31336.pdf>).

However, a reading of the FMCSA analysis suggests that FMCSA has essentially ignored and disregarded the impact on the smallest of industry players in an overbroad assessment that places one-man interstate owner-operators into the same category as other "small businesses" within the trucking industry. For instance, in referencing North American Industry Classification System ("NAICS") codes 484110 through 484230 (Freight Trucking), the FMCSA makes no distinction whatsoever between businesses with annual revenues of \$27.5 million and mere one-man operators of commercial motor vehicles. That is, FMCSA stated:

"Of the population of motor carriers that FMCSA regulates, 99 percent are considered small entities under SBA's definition. Because small businesses constitute a large part of the demographic the Agency regulates, providing exemptions to small business to permit noncompliance with safety regulations is not feasible and not consistent with good public policy. The safe operation of CMVs on the Nation's highways depends on compliance with all of FMCSA's safety regulations. Accordingly, the Agency will not allow any motor carriers to be exempt from coverage of the rule based solely on a status as a small entity.

Furthermore, exempting small businesses from coverage would be inconsistent with the explicit statutory mandate contained in MAP-21."

We contend that the FMCSA is misguided in its interpretation here in a few respects:

First, the ELD rule is not a "safety regulation" per se as the FMCSA has concluded. Rather, it is a mechanism intended to enforce a safety regulation by regulating the manner in which a driver records and communicates his compliance. That is, it is merely a tool to determine compliance with an existing rule that regulates over-the-road drivers' driving and on duty time, namely the actual safety regulation: the hours of service regulations codified at 49 CFR 395.3 and 395.5. However, the ELD rule is not a safety regulation itself. Therefore, it is our position that this rule does **not** itself impact safety, and that the level of safety will not change based on whether or not our exemption application is approved. That would require a change to the Hours of Service Rule.

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Second, as a matter of strict construction, MAP-21 merely calls for commercial motor vehicles to be "equipped" with ELDs. It does not appear to require the Secretary to mandate the replacement of paper logs with ELDs or force the use of ELDs:

Use of Electronic Logging Devices.-- <<NOTE: Deadline.>> Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations--

(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary (emphasis added);

The government's compelling interest, here, in regulating drivers is obviously to protect the public from unsafe drivers who recklessly drive beyond a reasonable number of hours in a day, thus ignoring the risks of driver fatigue, which can and does cause fatalities. However, the USDOT has already effected a rule that addresses that objective in that it has promulgated the hours of service regulations. We do not believe that placing more financial and technical burdens on small carriers will be more effective.

Third, as mentioned previously, this regulation does not take into account the substantial financial impact of the rule on small businesses. FMCSA merely states that it cannot nor will they give a pass to carriers simply because they are small. That does not answer the major question, which is how a one man operation is supposed to comply with the rule in the same way a \$20 million plus carrier is required to comply, which is the reason why Congress requires these evaluations of regulatory burden on small businesses. For some small players, the costs in terms of money and embracing new mandatory technology are too high to bear. The regulation of one-man operators in the same manner as drivers of other "small business" carriers --not to mention large "Fortune 500" carriers-- is unreasonable and does not conform to the National Transportation policy codified by Congress at 49 U.S. Code § 13101 as matters of fair competition and destructive competitive practices.

49 U.S. Code § 13101 - Transportation policy

(a) In General.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to oversee the modes of transportation and—

(1) in overseeing those modes—

(A) to recognize and preserve the inherent advantage of each mode of transportation;

(B) **to promote safe, adequate, economical, and efficient transportation**;

(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or **destructive competitive practices**;

(E) to cooperate with each State and the officials of each State on transportation matters; and

(F) to encourage **fair wages and working conditions** in the transportation industry;

(2) in overseeing transportation by motor carrier, to promote competitive and efficient transportation services in order to—

(A) encourage **fair competition**, and **reasonable rates** for transportation by motor carriers of property;

(B) promote efficiency in the motor carrier transportation system and to require fair and expeditious decisions when required;

(C) **meet the needs of shippers, receivers, passengers, and consumers**;

(D) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public;

(E) allow the most productive use of equipment and energy resources;

(F) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions;

(G) provide and maintain service to small communities and small shippers and intrastate bus services;

(H) provide and maintain commuter bus operations;

(I) improve and maintain a sound, safe, and competitive privately owned motor carrier system;

(J) promote greater participation by minorities in the motor carrier system;

(K) promote intermodal transportation;

(3) in overseeing transportation by motor carrier of passengers—

(A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this part;

(B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this part; and

(C) to ensure that Federal reform initiatives enacted by section 31138 and the Bus Regulatory Reform Act of 1982 are not nullified by State regulatory actions; and

(4) in overseeing transportation by water carrier, to encourage and promote service and price competition in the noncontiguous domestic trade. (emphases added)

In November, it was our position that if the exemption is not granted, we will likely see a major disruption to the motor carrier industry due to the cost (as well as the intricacies) of both becoming and remaining compliant with this technology. It appears those predictions are now coming true some ten weeks later. Currently, the media are reporting on driver shortages adversely affecting consumers. They are attributing a rise in consumer prices to the implementation of the ELD rule:

<http://www.azfamily.com/story/37316747/cbs-5-investigates-trucker-shortage-affecting-grocery-store-prices?autostart=true>

This suggests that the disruption transcends motor carrier operations and affects consumers' ability to be sufficiently supplied and the prices of goods, thereby affecting the economy at large, and interference with interstate commerce generally. We point to the disruption that occurred in the aftermath of a major regulatory change after the property broker's bond increased from \$10,000 to \$75,000 in terms of the 9,800 intermediaries whose licenses were immediately revoked in a two-week period in December 2013 because they could not sustain the increased cost of the new bond.

FMCSA EXEMPTION AUTHORITY

Section 13541(a) of title 49 of the United States Code (49 U.S.C. 13541) requires the Secretary of Transportation (Secretary) to exempt a person, **CLASS OF PERSONS**, or a transaction or service from the application, in whole or in part, of a provision of 49 U.S.C., Subtitle IV, Part B (Chapters 131-149), or to use the exemption authority to **modify** the application of a provision of 49 U.S.C. Chapters 131-149 as it applies to such person, **CLASS**, transaction, or service when the Secretary finds that the application of the provision (emphases added):

- Is not necessary to carry out the transportation policy of 49 U.S.C. 13101
- Is not needed to protect shippers from the abuse of market power or that the transaction or service is of limited scope; and
- Is in the public interest.

We contend the mandating of the form and manner of a driver's communication of his compliance is not necessary to carry out the transportation policy of 49 U.S.C. 13101, as it has been policy (even well before the existence of the FMCSA) until December of 2017 that paper logs were acceptable. And, as noted previously, the law itself does not actually require the use of the ELD, only that they must be "equipped" with them.

ELDS are not needed to protect shippers from the abuse of market power.

Regulations that are **more extensive than necessary** are not in simply not in the public interest. A rule that requires a driver shut down because a machine says so regardless of whether he can find safe truck parking at that moment is devoid of reasonable flexibility and could cost the driver his life as was the case when Jason Rivenburg and Mike Boeglin were murdered on the road. According to U.S. Dept. of Labor statistics, more than 500 workers in interstate transportation were murdered on the job over the past decade. SBTC previously met with FMCSA and FWHHA officials in the interest of addressing this problem. We believe the ELD rule exacerbates this dangerous situation. Jeopardizing driver safety under the guise of protecting public safety is also not in the public interest.

The Secretary therefore has the lawful authority --and **obligation**-- to modify the MAP-21 requirement and exempt a "class of persons," in this instance-- the smallest of the industry's stakeholders, from the ELD mandate.

FMCSA'S EXISTING ELD EXEMPTIONS

In requesting an exemption from the ELD rule for carriers with fewer than 50 employees (if FMCSA opts not to reconsider the ELD rule to afford all drivers' the right to choose the mechanism of communicating their compliance with the hours of service regulations), we note that FMCSA has already issued ELD exemptions:

*Drivers who use the timecard exception are not required to keep records of duty status (RODS) or use ELDs. Additionally, the following drivers are not required to use ELDs; however, they are still bound by the RODS requirements in 49 CFR 395 and must prepare logs on paper, using an Automatic On-Board Recording Device (AOBRD), or with a logging software program when required:

*Drivers who use paper RODS for not more than 8 days out of every 30-day period.

*Drivers of vehicles manufactured before 2000.

*Drivers who are required to keep RODS not more than 8 days within any 30-day period.

*Drivers who conduct drive-away-tow-away operations, where the vehicle being driven is the commodity being delivered, or the vehicle being transported is a motor home or a recreation vehicle trailer with one or more sets of wheels on the surface of the roadway.

*Drivers of vehicles manufactured before the model year 2000. (As reflected on the vehicle registration)

We understand FMCSA has also at least partially granted specific applications for exemption to requesting parties such as Truck Renting and Leasing Association (TRALA) and United Parcel Service (UPS)

<https://www.oida.com/MediaCenter/PressReleases/pressrelease.asp?prid=447>).

THE U.S. GOVERNMENT REGULARLY EXEMPTS THE SMALLEST BUSINESSES

I. Small employers with fewer than 20 employees are exempt from the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

<https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resourcecenter/publications/an-employers-guide-to-group-health-continuation-coverage-undercobra.pdf>

II. Small businesses are exempt from corporate income taxes if they elect to declare themselves "S-Corps." According to the IRS website:

"S corporations are corporations that elect to pass corporate income, losses, deductions, and credits through to their shareholders for federal tax purposes. Shareholders of S corporations report the flow-through of income and losses on their personal tax returns and are assessed tax at their individual income tax rates. This allows S corporations to avoid double taxation on the corporate income. S corporations are responsible for tax on certain built-in gains and passive income at the entity level."

<https://www.irs.gov/businesses/small-businesses-self-employed/s-corporations>

III. Affordable Care Act Exemption:

Most employers have fewer than 50 full-time employees or full-time equivalent employees and are therefore not subject to the Affordable Care Act's employer shared responsibility provision.

<https://www.irs.gov/affordable-care-act/individuals-and-families/find-out-how-aca-affects-employers-with-fewer-than-50-employees>

IV. OSHA Exemptions

Businesses with 10 employees or fewer are exempt from OSH Act's injury and incident reporting as well as programmed inspections by Occupational Safety and Health Administration employees. Other small businesses with more than 10 employees may also be exempt from the programmed inspections. This applies to certain "low-hazard industries" identified by OSHA.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=standards&p_id=9632

V. Family Medical Leave Act

Family and Medical Leave Act (FMLA) exempts employers with fewer than 50

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employees. <https://www.dol.gov/whd/regs/compliance/whdfs28.pdf>

UNIQUE MOTOR CARRIER EXEMPTIONS

There is a motor carrier exemption under the Fair Labor Standards Act (FLSA)
<https://www.dol.gov/whd/regs/compliance/whdfs19.htm>

There is a common carrier exemption under the FTC Act
<https://www.law.cornell.edu/uscode/text/15/45>

DRIVER SURVEY

Finally, SBTC conducted a survey to sample the motor carrier industry's beliefs about the ELD Mandate, asking interstate drivers an online poll (<https://poll.fbapp.io/sbtc-eld-poll>) question (survey results are incorporated here to comply with § 381.310(d):

What is your issue with the Electronic Logging Device ("ELD") mandate... Do you take issue with the ELD mechanism as an enforcement tool because it closes the gap on "creative" paper log-keeping? Is the real problem the Hours of Service ("HOS") regulations the ELDs are designed to enforce? Or, maybe you don't have an issue with ELDs or HOS at all.

In November, we advised Respondents answered** (In random order):

The ELD mandate is an attack on owner-operators by the big carriers 29.6%

The problem is the underlying HOS rule, not the ELDs... 22.9%

The ELD mandate is a driver safety issue. 17.9%

Other 13.3%

The ELD mandate is a driver privacy issue. 9.2%

The ELD mandate is a driver harassment issue. 5.4%

The problem is the ELDs stop drivers from fudging their logs. 0.8%

There is no problem with either HOS or ELDs. 0.8%

With less than 1% of drivers stating there is no problem with the ELD mandate, clearly the industry's smallest players are pleading for relief from the United States Government. And only another 1% appears to be interested in using paper logs to evade regulation. Owner operators have pointed to bona fide issues of driver safety, privacy, harassment, and unfairly having their costs driven up at the insistence of larger carriers seeking to use the governmental process as an economic weapon. Here, we simply ask the agency to consider equitably reconciling carriers' ability to comply with the rule against the need to ensure safe public highways in a fair and reasonable fashion.

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**We have furnished an update poll results attached hereto.

CONCLUSION

For the reasons asserted herein, on behalf of small businesses in the transportation industry, the SBTC hereby respectfully requests that the Secretary consider using her exemption authority, delegated to the FMCSA, to issue an immediate, permanent ELD exemption for independent owner operators and small carriers with less than 50 employees.

Thank you for your consideration.

Sincerely,



/s/JAMES LAMB,
SBTC President

cc: Thomas Yager via tom.yager@dot.gov

Elaine L. Chao, Secretary via fax: (202) 366-7952

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Jason Rivenburg's legacy lives on through 'Jason's Law'

By Clarissa Kell-Holland (mailto:clarissa_kell-holland@landlinemag.com), Land Line staff writer | Thursday, March 07, 2013

This week marks the fourth anniversary since truck driver Jason Rivenburg of Fultonham, NY, was fatally shot while parked at an abandoned gas station in South Carolina.

However, his family has ensured that his legacy lives on through "Jason's Law," which was included in the latest highway law known as Moving Ahead for Progress in the 21st Century – or MAP-21. The provision in Jason's Law dedicates federal money to help construct, improve or reopen commercial parking facilities along the National Highway System.

On March 5, 2009, Jason Rivenburg arrived too early with his load of milk at the Food Lion distribution center in Ellrees, SC. He was turned away because his appointment time wasn't until 8 a.m. the following morning.

However, his delivery never took place. After he left the distribution center, he made the fateful decision to park at an unlit and abandoned gas station in St. Matthews, SC. According to investigators, not long after he stopped and parked he was fatally shot for the \$7 he had on him.

Since his death, Jason's wife, Hope Rivenburg, has worked tirelessly to ensure that Jason's Law and the push for safe parking options for truck drivers remain a top priority for lawmakers. The Rivenburgs have three kids, including son Josh and twins who will turn 4 in less than two weeks.

Willel Pelzer, who was convicted of killing Jason, was sentenced to life in a South Carolina prison without parole in December 2009.



CBS 5 Investigates: Trucker shortage affecting grocery store prices

Posted: Jan 22, 2018 8:27 AM CST
Updated: Jan 22, 2018 1:47 PM EST

By azfamily.com News Staff | [CONNECT](#)

NOGALES, AZ (3TV/CBS 5) - They are called the heartbeat of the American economy – big-rig, long-haul truckers, delivering everything from TVs to cars, to the things you purchase at the grocery store.

Over \$17 billion worth of goods crossed the border in 2016.

[SPECIAL SECTION: [CBS 5 Investigates](#)]

Most of the winter produce gets sorted, boxed and shipped across the country but it is getting tougher to get these vegetables out of town.

Transportation brokers estimate there are 1,500 trucks sitting in Nogales right now because they don't have drivers.

"I have announced my job openings in newspapers, on craigslist. We have job fairs," said Jim Watson, who runs local trucking company JSJ Enterprises. "I think I've had one application."

Watson has had to hire Mexican truck drivers to run his 20 big-rig trucks.

They carry valid U.S. trucker licenses but they're required to go straight from Mexico to their destinations in the U.S. which means they're not a real solution to the trucker shortage and they can't pick up produce in Nogales.

"A lot of these produce companies are going to move out of Nogales and find other ways to transport their product so a lot of local workers are going to be out of a job," said Watson.

For now, this means rates are going sky high.

A load from Nogales to L.A. used to cost \$1,600 now costs \$2,200 and will likely go even higher.

The result will be higher prices in the grocery store and department stores for consumers.

One possible solution is increasing the number of foreign trucker visas. Last year, the President Trump's administration allowed for 1,500 more but there will need to be more than that to make a difference.

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Trucker found shot in truck in Detroit, rig burned

crime

James Jallat | July 07, 2014



Boeglin and his wife, Ashley. (Photo from Fox 2 Detroit)

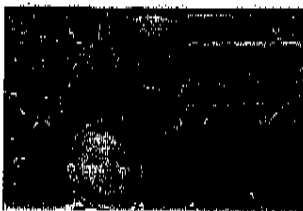
A truck driver was found in Detroit June 27 shot to death inside his truck, which had been set on fire, according to multiple news reports from local news stations.



Boeglin's truck, after authorities put the fire out. (Photo from Fox 2 Detroit)

The driver was identified as 31-year-old Michael Boeglin of Ferdinand, Ind., [according to Detroit 14 News](#). Detroit Police found Boeglin's body inside the cab of his Freightliner, most of which had been destroyed in a fire.

Related



Jason's Law: Five years after the passing of its namesake

In conversation with Overdrive's Wendy Parker, Hope Rivenburg, marking the fifth anniversary of the death of her husband, for whom the Jason's Law truck parking ...

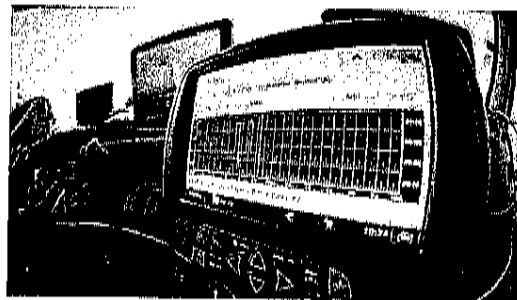
Five shell casings were found outside the truck, Detroit 14 reports, and medical examiners concluded gun shot wounds are what caused Boeglin's death, [Fox 2 Detroit reports](#).

Boeglin's wife, Ashley, says she talked to him around midnight. Ashley is pregnant with the couple's first child, the reports say.

Boeglin had parked at a building that was abandoned and gutted by scrappers while he waited to pick up a load at a nearby steel plant, [according to Fox Detroit](#).

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SBTC ELD Poll



The Small Business in Transportation Coalition ("SBTC") is polling the industry on the ELD mandate...

What is your issue with the Electronic Logging Device ("ELD") mandate... Do you take issue with the ELD mechanism as an enforcement tool because it closes the gap on "creative" paper log-keeping? Is the real problem the Hours of Service ("HOS") regulations the ELDs are designed to enforce? Or, maybe you don't have an issue with ELDs or HOS at all. Answers below are presented in random order...*

- The ELD mandate is a driver privacy issue.
- The problem is the ELDs stop drivers from fudging their logs.
- There is no problem with either HOS or ELDs.
- The ELD mandate is a driver safety issue.
- The ELD mandate is an attack on owner-operators by the big carriers
- The ELD mandate is a driver harassment issue.
- The problem is the underlying HOS rule, not the ELDs...
- Other:

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SBTC ELD Poll

Created on November 19, 2017 by James Lamb

What is your issue with the Electronic Logging Device ("ELD") mandate... Do you take issue with the ELD mechanism as an enforcement tool because it closes the gap on "creative" paper log-keeping? Is the real problem the Hours of Service ("HOS") regulations the ELDs are designed to enforce? Or, maybe you don't have an issue with ELDs or HOS at all. Answers below are presented in random order...
561 answers

The ELD mandate is an attack on owner-operators by the big carriers	208 votes	37.1%
The ELD mandate is a driver safety issue.	93 votes	16.6%
The ELD mandate is a driver privacy issue.	84 votes	15.0%
The problem is the underlying HOS rule, not the ELDs...	78 votes	13.9%
Other	57 votes	10.2%
The ELD mandate is a driver harassment issue.	32 votes	5.7%
The problem is the ELDs stop drivers from fudging their logs.	7 votes	1.2%
There is no problem with either HOS or ELDs.	2 votes	0.4%