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# 'Data Driven' Review: Miles of Mandates

On the failures of a well-intentioned regulation of the trucking industry that has not made the roads any safer.



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*By Marc Levinson*

Jan. 3, 2023 5:33 pm ET

Falling asleep at the wheel is deadly. “It is obvious that a man cannot work efficiently or be a safe driver if he does not have an opportunity for approximately 8 hours sleep in 24,” the Interstate Commerce Commission declared in 1937. Ever since, federal rules have limited the work hours of interstate truckers. Also ever since, truckers, their employers and their customers have circumvented the rules when they stand in the way of making money.

Congress tackled the problem in 2012 by requiring long-distance truckers to track their hours with an “electronic logging device” connected to the engine. The mandatory rest breaks and the limits on drivers’ daily and weekly hours didn’t change, but the Transportation Department estimated that monitoring compliance with an ELD would avoid 1,844 crashes and save 26 lives annually. The mandate took partial effect in 2017 and was fully implemented in 2019.

In “Data Driven: Truckers, Technology, and the New Workplace Surveillance”

**IN 'DATA DRIVEN: TRUCKERS, TECHNOLOGY, AND THE NEW WORKPLACE SURVEILLANCE,'** Karen Levy makes a provocative case against this approach. Ms. Levy, a sociologist and lawyer who teaches information science at Cornell University, combines extensive interviews with a thorough understanding of the trucking industry to assert that ELDs haven't made the roads safer. Her concise and lively book will interest anyone concerned with the complicated business of regulation.

That truckers detest ELDs is old news. Many think of themselves as kings of the road with the skills and experience vital to delivering America's freight. They don't like Uncle Sam determining when they're too tired to drive. As Ms. Levy puts it: "Being electronically tracked . . . is completely antithetical to truckers' professional identity."

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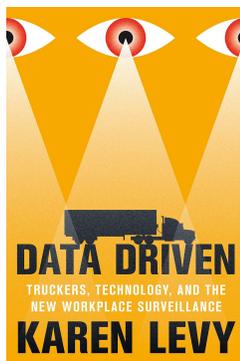
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### **Data Driven: Truckers, Technology, and the New Workplace Surveillance**

By Karen Levy

Princeton University  
Press



The ELD mandate is also at odds with the way the U.S. trucking industry functions. Long-distance truckers are largely paid by the mile. The shippers the trucking industry serves, however, have no incentive to load or unload trucks quickly. Time spent "detained" at a shipper's loading dock is often unpaid, but it can count against the number of hours a trucker may legally work during the day, effectively limiting the number of miles he or she can

cover. As an aphorism has it: "If the wheel ain't turnin', you ain't earnin'." At a fixed rate per mile, truckers are tempted to drive more than they safely should to compensate for income sacrificed to detention time.

Moreover, Ms. Levy asserts, the devices have tilted the balance of power in the industry against drivers. While regulations require only that ELDs store data related to work time for retrieval by inspectors, trucking companies can add on software that can track a vehicle minute by minute, continuously monitor its speed, and chastise the driver for hitting the brakes too hard or accelerating too fast. As Ms. Levy observed in her research, a dispatcher sitting far away with

ELD data on the screen and the Weather Channel on the television may override a trucker's judgment that the weather is too rough to drive through and order him or her to get on the road.

“The ELD mandate viewed [drivers]—the least powerful members of the industry—as untrustworthy liars who needed to be better policed, rather than professionals doing their best to negotiate difficult logistics in the face of countervailing demands,” Ms. Levy writes.

And what of safety? In a fascinating chapter, the author explores how the ELD mandate has changed the work of the officers who enforce the hours-of-service rules, mainly at roadside weigh stations. Formerly, truckers handed their log book out the window to inspectors, who could peruse it, question the driver, consult databases on a computer, and check truck-stop receipts to judge whether the log was accurate. ELDs, though, force officers to work inside truck cabs, with the driver nearby. “When officers inspected electronic logs, the interaction between enforcer and enforcee could shift from being an adversarial one—aimed at uncovering inconsistencies in accounts and probing the trucker's veracity—to being reluctantly collaborative,” Ms. Levy found. The result: fewer and less effective inspections.

Unfortunately, Ms. Levy's analysis of the trucking industry is incomplete. In particular, she neglects to mention that trucking may be the most highly subsidized form of transportation in the U.S. Most federal and state expenditures for highways are funded by taxes on motor fuels. The last major federal study, updated in 2000, found that the highway wear and tear caused by heavy trucks far exceeds what those trucks pay in fuel taxes, and studies in several states have found much the same. Ms. Levy complains of the “lack of political will” to build more places for truckers to park during their off-duty hours, but she doesn't ask why taxpayers should relieve truck operators of that cost. Such subsidies make shipping by truck artificially cheap, leading to more work behind the wheel than if the industry fully paid its own way.

Nonetheless, Ms. Levy raises important questions about regulation in general by examining the unintended effects of a well-meant initiative designed to address a serious safety problem. She reports on a 2021 study linking ELDs to greater compliance with regulations but no reduction in truck crashes. Fatalities in

crashes involving large trucks actually increased, as drivers sped up to cover as many miles as they could during their permitted driving time. “ELDs—*if integrated alongside other meaningful economic reforms*—might well be one component of a healthy, reorganized trucking industry,” Ms. Levy writes. “The problem in trucking is that drivers are incentivized to work themselves well beyond healthy limits—sometimes to death. The ELD doesn’t solve this problem, or even attempt to do so.”

*Mr. Levinson’s books include “The Box: How the Shipping Container Made the World Smaller and the World Economy Bigger.”*

*Appeared in the January 4, 2023, print edition as ‘Miles Of Mandates’.*