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(VIA ELECTRONIC DOCKET SUBMISSION)

T.F. Scott Darling, III  
Acting Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: *Electronic Logging Devices et al.*, Docket FMCSA-2010-0167  
Further Comments<sup>1</sup> of the Motion Picture Association of America

Dear Administrator Darling:

On June 26, 2014, the Motion Picture Association of America<sup>2</sup> filed comments in the above-captioned rulemaking regarding Electronic Logging Devices (ELDs). Many MPAA members employ “production drivers” who drive multiple vehicles for multiple carriers in a typical work week. Since the weekly Records of Duty Status (RODS) of such drivers might have been recorded in several different ELDs, MPAA expressed concern that it might not be feasible for such drivers or their employers to produce a driver's RODS for an entire week electronically from a single ELD. To better address this multiple-employer situation, which is not limited to motion picture and television production, MPAA sought, among other things, an assurance that such drivers could satisfy roadside RODS inspection requirements by producing a combination of electronic RODS, from the stopped vehicle's ELD, and non-electronic RODS. The latter RODS would generally have been recorded by other ELDs, but the driver would carry direct printouts from those ELDs or printouts of aggregate data collected in an ELD support system.<sup>3</sup>

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<sup>1</sup> To the extent necessary, MPAA requests that this letter be considered a petition for reconsideration of the Final Rule under 49 CFR 389.35.

<sup>2</sup> The MPAA's member companies are Paramount Pictures Corp., Sony Pictures Entertainment Inc., Twentieth Century Fox Film Corp., Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros. Entertainment Inc. These companies and their affiliates are the leading producers and distributors of filmed entertainment in the theatrical, television, and home-entertainment markets.

<sup>3</sup> See MPAA Comments, Document FMCSA-2010-0167-2215, at 12-15.

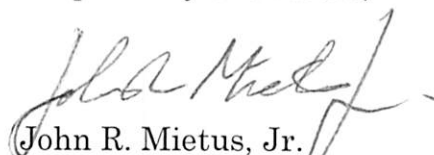
The Final Rule published December 16, 2015 includes explanatory material directed to this concern.<sup>4</sup> FMCSA has indicated that it will allow drivers with multiple employers to produce a combination of electronic and non-electronic RODS:

If the driver works for multiple employers with multiple ELD or AOB RD systems that are not compatible (*e.g.*, the data file from one system cannot be uploaded into the other system), the driver must either manually enter the missing duty status information or provide a printout from the other system<sup>5</sup> so that an accurate accounting of the duty status for the current and previous 7 days is available for authorized safety officials.

Final Rule at 78,327 (footnote added). But because this policy appears only in the lengthy preamble to a complex rule, it might not receive sufficient attention as ELD developers, carriers, and law enforcement officials develop ELD systems and compliance procedures. If that should happen, production drivers at roadside inspections could be delayed or subject to unwarranted enforcement action when they produce weekly RODS, recorded by ELDs, but are not able to do so in a single electronic record.

FMCSA therefore should reiterate that a combination of electronic and non-electronic RODS will satisfy the disclosure requirements for a driver who drives multiple vehicles or does so for multiple carriers. MPAA suggests that this be done either through additional rule text, as discussed in MPAA's earlier comments, or through formal guidance published by the agency.

Respectfully submitted,



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Counsel for THE MOTION PICTURE  
ASSOCIATION OF AMERICA

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<sup>4</sup> Electronic Logging Devices and Hours of Service Supporting Documents; Final Rule, 80 Fed. Reg. 78,291 (Dec. 16, 2015).

<sup>5</sup> "To the extent applicable, a reference to an ELD includes a related motor carrier or provider central support system—if one is used—to manage or store ELD records." Final Rule at 78,293. Further, "FMCSA understands that some capabilities of an ELD may not be located on the same physical device, or even in the CMV, but rather in a support system." Final Rule at 78,332.