

Should this be considered a comment? See below.

Earl Adams, Jr., Chief Counsel, FMCSA

[earl.adams@dot.gov](mailto:earl.adams@dot.gov) | M: (b)(6)

---

**From:** (b)(6)

**Sent:** Tuesday, February 7, 2023 1:47 PM

**To:** Adams, Earl (FMCSA) <[earl.adams@dot.gov](mailto:earl.adams@dot.gov)>

**Subject:** Electronic device requirement

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Last year, the FMCSA proposed requiring commercial motor vehicles to install an electronic device that would wirelessly transmit identifying information to law enforcement on demand. How is that consistent with the Fourth Amendment and its prohibition on unreasonable searches and seizures? There is hardly probable cause that a crime is being committed in each and every commercial vehicle. How is that consistent with the Fifth Amendment ban on taking private property? That seems like the sort of permanent -- if minor -- physical presence of government-mandated apparatus on private property, that was considered an unconstitutional taking by the Supreme Court's decision in *Loretto v. Teleprompter CATV Corporation* (1982).