

Electronic Logging Devices (ELDs) for Hours of Service (HOS) Regulations

- The ELD rule applies to motor carriers and drivers who are required to keep records of duty service (RODS).
- An ELD is technology that automatically records a driver's driving time and other aspects of the hours-of-service records. An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours).
- With an ELD, Law enforcement can review a driver's hours of service by viewing the ELD's display screen, by a printout from the ELD, and in the near future by retrieving data electronically from the ELD.
- Motor carriers and drivers must choose only ELDs that are certified and registered on FMCSA's website, as other devices may not be compliant.

The "Agricultural commodity" exception in 49 CFR 395.1(k)(1) to the Hours of Service regulations

The Federal Motor Carrier Safety Administration (FMCSA) has published new guidance limited to the application of the 150 air-mile exception for the transport of "agricultural commodities."

- It clarifies that the following operations are not subject to the Hours-of-Service Regulations while operating within 150 air-mile radius of the source of the commodity:
 - Drivers operating unladen vehicles traveling either to pick up an agricultural commodity, as defined in 395.2, or returning from a delivery point; and
 - Drivers engaged in trips beyond 150 air-miles from the source of the agricultural commodity are not subject to the hours of service regulations until they exit the 150 air-mile radius.
 - The ag exception applies to transportation during the initial 150 air-miles from the source of the commodity, regardless of the distance to the final destination. Once a driver operates beyond the 150 air-mile radius of the source, the driver is then subject to the limits under the hours-of-service rules and must record those hours. Once the hours-of-service rules begin to apply on a given trip, they continue to apply for the

duration of that trip, until the driver crosses back into the area within 150 air-miles of the original source of the commodities.

- It also clarifies questions about what can be considered a “source” of an agricultural commodity:
 - The guidance clarifies that a source may not only be the farm or ranch where the agricultural commodity originates, but also may include intermediate storage and loading facilities, such as grain elevators or sale barns, provided the product still meets the definition of an agricultural commodity.
 - The guidance also clarifies that when agricultural commodities are loaded at multiple sources during a trip only the first loading point can be considered a source

Ag Exception Regarding ELDs

Transporters of agricultural commodities (other than livestock) are required to have an ELD on June 18, 2018, but this exception and this guidance may be used to determine applicability of the ELD requirements after June 18, 2018.

Motor carriers utilizing the agricultural commodities exception will be able to take advantage of an exception from the ELD requirements if they do not operate outside of the 150-mile radius more than 8 days out of every 30.

Conclusion

The National Cotton Council submitted comments and advised FMCSA on suggested clarifications to be made in the recent guidance. We are pleased to see that some of our suggestions were included in the final guidance. FMCSA may deem it necessary to provide more guidance on this confusing subject in the future.