

Ag gets 90-day waiver from ELD rule; guidance to come

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The head of the Federal Motor Carrier Safety Administration's enforcement division says the agency is "ready to go" with implementation of the electronic logging device mandate.

Speaking to reporters on Monday afternoon, Joe DeLorenzo, Director of the FMCSA's Office of Compliance and Enforcement, laid out three steps the agency will be taking, dealing with the issues of enforcement, personal conveyance, and agricultural operations.

Importantly, the agency is sticking with the December 18, 2017, deadline for most commercial vehicle drivers to

begin using ELDs in place of paper logs.

ENFORCEMENT

If a driver is stopped after December 18 without an ELD but is otherwise in compliance with the hours-of-service regulations, they will be cited for the ELD violation but it won't affect their CSA scores and they will be allowed to continue driving.

Concerning enforcement, the FMCSA will not count ELD violations against a carrier's Compliance, Safety, Accountability scores or their safety records before April 1, 2018, DeLorenzo said.

"Whether or not a state issues a ticket is really up to them," DeLorenzo added.

In August, the Commercial Vehicle Safety Alliance announced that drivers would not be placed out of service before April 1 solely for not having an ELD.

"Starting on April 1st, 2018, the agency will move into a regular mode of enforcement," DeLorenzo said, "and drivers and vehicles that are found to not have an ELD will be treated as not having a record of duty status and will be placed out of service at that time."

PERSONAL CONVEYANCE

The FMCSA also announced that new guidance on "personal conveyance" will be published in coming weeks, to clarify when drivers may operate a commercial vehicle in an "off duty" status for purely personal reasons.

In part, the new guidance will allow drivers to use the personal-conveyance option even if their vehicle is loaded, DeLorenzo said. Under existing guidance, the vehicle must be "unladen."

AGRICULTURE

Finally, due to concerns about hours-of-service restrictions on livestock haulers, the FMCSA will be "issu-

LETTER FROM FMCSA

Many organizations, especially livestock industry groups, are encouraging drivers to carry the letter explaining the delay in case of questions from law enforcement. The letter is reproduced on the next page.

ing a 90-day waiver from the ELD rule to the agricultural industry," DeLorenzo announced, allowing the industry to continue to use paper logs. The 90-day period will begin on December 18, 2017.

The delay will give the agency time to review several ag-related ELD exemption requests and also publish new guidance on the use of the agricultural exemption in 49 CFR Sec. 395.1(k).

The new guidance will clarify the 150-air-mile boundary, "empty miles" and loading/unloading time, and the definition of "source" under the ag exemption, DeLorenzo said.

The new guidance on personal conveyance and the agricultural exemption will both be open to public comment.

Latest info we (UCAE) have on ELD for drivers. THANKS TO US CUSTOM HARVESTERS, INC for sharing this information 12/15/2017



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Electronic Logging Device (ELD) Transition Information November 20, 2017

1. FMCSA will continue its policy of transparency towards the industry when it comes to implementation issues of this rule, passed by Congress five years ago.
2. The ELD rule is going forward as planned on December 18, 2017. FMCSA has listened to important feedback from many stakeholder groups and is primarily concerned with helping ease the transition to full implementation of the ELD rule in a manner that does not impede the flow of commerce and maintains and improves safety for operators and the public.
3. To ease the transition to ELDs, FMCSA's partners at the Commercial Vehicle Safety Alliance have previously announced a delay in placing non-ELD compliant vehicles out-of-service until April 1, 2018, which will allow continued time for carriers and law enforcement to adjust to the new technology. In addition, FMCSA is announcing that violations cited during the time period of December 18, 2017 through April 1, 2018 will not count against a carrier's Safety Measurement System scores.
4. FMCSA has heard concerns specific to the transportation of agricultural commodities, especially the transportation of livestock. While those concerns are specifically related to the hours-of-service requirements and not ELD, FMCSA feels it is important to take additional time to evaluate these issues, and therefore will be issuing a 90-day waiver for these groups (detailed in forthcoming guidance) to allow the Agency to fully evaluate recently filed exemption requests.
5. In the coming weeks, FMCSA will publish guidance for comment relating to the application of the agricultural commodity hours-of-service exemption. FMCSA will also provide guidance on the existing 150 air miles hours-of-service exemption in order to provide clarity to enforcement and industry, and will consider comments received before publishing final guidance.
6. Finally, FMCSA will publish guidance on another hours-of-service issue, known as Personal Conveyance, which has become more relevant due to the upcoming ELD rule enforcement. The goal of these guidance documents is to take input on their application and develop a consistent and uniform application of the provision.
7. Public participation in this guidance is essential to the process, so we ask for continued engagement from all impacted stakeholder groups across industries.