

Electronic Logging Device Mandate

Fact Sheet

March 23, 2018

Current Status: Livestock haulers currently are not currently required to comply with the Electronic Logging Device mandate. On March 23, 2018 President Trump signed the 2018 omnibus spending bill which includes a provision declaring that “the use of electronic logging devices by operators of commercial motor vehicles... transporting livestock” will not be required during federal fiscal year 2018, which runs from Oct. 1 2017 to Sept. 30 2018.

This follows exemption overlaps a 90-day waiver for all ag haulers announced by DOT March 13, 2018 which is in effect until June 16, 2018.

These haulers are encouraged to have a copy of the Federal Register showing exemption in their truck to show enforcement officers who may not be aware of the exemption. A copy can be found at <https://www.gpo.gov/fdsys/pkg/FR-2017-12-20/pdf/2017-27311.pdf>.

Industry Efforts

The Iowa Cattlemen’s Association, the National Cattlemen’s Beef Association and other livestock groups are working diligently with agency representatives and legislators toward a permanent solution to Hours of Service (HOS) challenges for livestock haulers. Efforts include:

- Achieved two 90-day waivers for ag/livestock haulers from ELD rule
- Achieved appropriations language in the House bill with a delay for livestock haulers from ELD rule through September 30, 2018
- Petitioned DOT for long-term ELD waiver and working with the agency for HOS flexibility
- Working on standalone legislation to fix HOS

Background

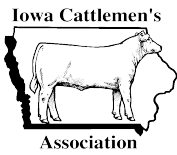
In 2012 the Commercial Motor Vehicle Safety Enhancement Act was signed into law, requiring the Department of Transportation (DOT) to create and enforce an Electronic Logging Device (ELD) rule. The rule required all motor carriers and drivers required to keep records of duty status (RODS) on paper to install and use an electronic logging device (ELD) no later than December 18, 2017.

When the ELD mandate is combined with strict Hours of Service (HOS) regulations which dictate how long a driver can be on duty and driving, livestock haulers are left with no flexibility to get cattle to their destination in a timely manner.

The Rule

Hours of Service (HOS): Truckers have an hours of service limit of 11 hours of driving in a 24 hour period. Drivers can be on-duty a total of 14 hours consecutively, including the 11 hours of drive time. After 11 hours are reached, drivers must rest and be off-duty for 10 consecutive hours. Exemptions are in place for agriculture hauls within a 150 mile radius and for drivers who only drive eight days in a 30 day period.

ELD: All motor carriers and drivers who have been required to keep records of duty status (RODS) on paper must install and use an electronic logging device (ELD).



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Challenges for Livestock Haulers

The livestock industry needs more flexibility than other industries because our cargo are living, breathing animals. ELD and HOS pose serious threats to the future of livestock hauling.

- Animal health and welfare: Limited flexibility to get livestock to the destination would mean animals left on trucks for extended periods of time or commingled livestock along routes. Both scenarios have major consequences from both animal welfare and biosecurity standpoints.
- Tired drivers: Eliminating flexibility for drivers to decide when they should be driving could result in unintended consequences. For instance, a driver may be tired, but with time left on his log continue to drive and risk the safety of other drivers, himself, and the livestock.
- Lack of drivers: Overregulation and the unintended consequences will likely result in a lack of drivers willing to haul livestock. This would be detrimental to an industry that already faces a shortage of drivers.

ICA Policy

BI-AP-34 Regulation of Livestock Haulers 2018

WHEREAS, cattle producers in Iowa purchase cattle that require transportation over long distances; and

WHEREAS, getting livestock to the intended destination in a timely manner is critical for the livestock and the owner; and

WHEREAS, increased regulation of hours of service will increase freight cost of cattle coming into Iowa; and

WHEREAS, unloading livestock and waiting until the hours of service may resume to continue to the desired destination further increases risk and liability for the producer and freight hauler.

THEREFORE, BE IT RESOLVED that ICA support an exemption of Hours of Service and Electronic Logging Device requirements for livestock haulers.

Exemptions

Haulers that are exempt from the rule include trucks older than 2000 model year; anyone currently exempt from logging due to only hauling 8 of every 30 days; drivers who use the timecard exception, and don't keep paper RODS.

Other producers hauling livestock interstate (crossing state lines) may be exempt from the ELD mandate as well. Two of the most common exemptions are for covered farm vehicles (CFVs) and recreational use.

Covered Farm Vehicle Exemption

- Straight truck or articulated vehicle,
- That is registered in a state with a license plate or other designation issued by the state identifying it as a farm vehicle,
- Operated by the owner (or family member), operator (or family member), or employee of the farm or ranch,
- Used to transport agricultural commodities, livestock machinery or supplies to or from a farm or ranch, and
- And not used in for-hire motor carrier operations

CFVs with a gross vehicle weight rating (GVWR), which is the weight of the truck and trailer combined, of 26,001 lbs. or less → Do not need commercial driver's license (CDL) and exempt from ELD requirement

CFVs with a GVWR greater than 26,001 lbs. → Can travel within 150 air miles of farm without CDL or ELD; Once outside of 150 air miles, all commercial drivers' rules and regulations apply

Recreational Use Exemption

Another exemption from the ELD requirement applies to "occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise."

This exemption would apply to persons who occasionally use CMVs to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events, provided: (1) The underlying activities are not undertaken for profit, i.e., (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activities is not deducted as a business expense for tax purposes; and, where relevant; (2) corporate sponsorship is not involved. Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject.