

# ELECTRONIC LOGGING DEVICE MANDATE

## HOW WILL IT AFFECT YOU?



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In 2012, President Obama introduced a bill entitled “Moving Ahead for Progress in the 21st Century” that was then enacted by Congress. The law included many provisions intended to help the Federal Motor Carrier Safety Administration (FMCSA) in its mission to reduce crashes, injuries and fatalities involving large trucks and buses. A part of this bill included a provision requiring the FMSCA to develop a rule mandating the use of electronic logging devices (ELD’s) on commercial vehicles used for hauling.

### **What does the ELD mandate require exactly?**

The new ELD mandate requires that the vehicle used for hauling be fitted with the device under the following conditions:

- The vehicle used in hauling is a commercial vehicle
- Hauling activities fall outside of the exemptions for livestock and/or agriculture transport (it is important to note that the majority of the show industry will fall outside of this exemption.)<sup>1</sup>
- The driver is required to obtain a Commercial Driver’s License (CDL) due to the combined weight of the truck and trailer.<sup>2</sup>

### **What does an ELD do?**

An ELD is an electronic device that is capable of recording a driver’s driving hours automatically. In order to be considered an ELD, the device must meet specific technology requirements and be included on the FMCSA registration site. The device specifically syncs with the engine of the vehicle and logs driving time, routes taken, vehicle speed, and logs mandatory rest periods. Once a vehicle starts moving, the ELD will automatically start and keep track of time driven for the next 14 hours.

<sup>1</sup> MORE INFORMATION CAN BE FOUND HERE: [HTTPS://WWW.FMCSA.DOT.GOV/FAQ/WHAT-“COVERED-FARM-VEHICLE”-CFV](https://www.fmcsa.dot.gov/faq/what-covered-farm-vehicle-cfv)

<sup>2</sup> GVW OF 25,001 OR GREATER

### **Current driving hours vs new hours mandated by ELD**

Current regulations allow a driver to drive a maximum of 8 hours straight, with a mandatory 3-hour rest period after 8 hours have passed. The new ELD mandate requires only 14 hours of drive time, not accounting for traffic, fuel stops, or loading/unloading of horses. Within these 14 hours, drivers are only allowed to drive for a maximum of 11 hours.

Once this 14-hour limit has been reached, the ELD will automatically indicate to the driver that they must stop and rest for 10 consecutive hours. Those drivers that are hauling horses will be required to stop their drive once the 14-hour maximum has been met, and cannot start their trip again until the mandatory 10-hour rest period has passed. It is important to note that the ELD will automatically keep track of any violations such as going over vehicle speed or driving past the 14-hour limit. This violation will be recorded within the device and can be reviewed by authorities, which could result in a fine for the driver.

### **What about rest breaks in addition to the mandatory rest period?**

The Hours of Service (HOS)<sup>1</sup> regulations within the FMCSA require that rest breaks are taken in addition the mandatory 10-hour rest period. After an 8-hour period of driving, commercial drivers are required to take a 30-minute break. Again, this mandatory break period is automatically calculated and tracked within the ELD once the vehicle starts moving. The driver cannot amend the 30-minute break by substituting a 10-minute break followed by a 20-minute break at a later point. The driver will be subject to a penalty should an inspector find them in breach of this rule after inspection of the ELD. This 30-minute break is included in the overall 14-hour driving time limit.

<sup>1</sup> [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS/HOURS-SERVICE/SUMMARY-HOURS-SERVICE-REGULATIONS](https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations)

This mandatory break period does not apply to drivers using either of the short-haul exemptions.<sup>1</sup>

Several larger horse-carrier operations frequently use vehicles that have a sleeper berth. Drivers using the sleeper berth provision must have at least 8 consecutive hours in the sleeper berth, plus an additional 2 consecutive hours either off-duty, in the sleeper berth, or a combination of the two. The AHC is working on a “Split Sleeper Berth Exemption” to address those rigs that use two drivers.

### **Are horse haulers affected by the ELD mandate?**

**Yes.** Horses are considered livestock and are specifically mentioned in the bills language. It is important to note though that the horse industry is not the only livestock segment that will be affected by the ELD mandate. Cattle, pigs, and other livestock that travel long distances to compete will also be affected. Additionally, any other type of activity that requires a large vehicle and a trailer with the potential to win money in a competition will be affected—a motocross event could be an example of this.

### **Are there any exemptions for the ELD requirement for the horse industry?**

In a nutshell, yes.

As mentioned above, short-haul vehicles are exempt from the ELD mandate. The key components to meet the definition of a short-haul are as follows:

- The driver operates within a 100 air-mile radius from the normal starting work location
- The driver starts and returns to the same location within 12 hours-time
- The driver drives no more than 11 hours
- The driver takes ten consecutive hours off between shifts
- The driver maintains the time-clock, aka punching in and out for work.

<sup>1</sup> EXAMPLES OF THIS ARE: DRIVER OPERATING WITHIN 100 AIR-MILE RADIUS OF THE NORMAL WORK REPORTING LOCATION; THE DRIVER, EXCEPT A DRIVER-SALESPERSON, RETURNS TO THE WORK REPORTING LOCATION AND IS RELEASED FROM WORK WITHIN 12 CONSECUTIVE HOURS. ADDITIONALLY, DRIVERS MUST LEAVE AND RETURN TO THE SAME WORK REPORTING LOCATION TO QUALIFY FOR THE EXCEPTION.

Additionally, drivers hauling “agricultural commodities,” which includes livestock, are exempt from the ELD requirement, as well as the Hours of Service regulations if operating within 150 air-miles of the original site of the livestock. The definition for exemption in this category includes:

- Driver is not hauling further than 150 air-miles away, and not more than 8 days within a 30-day period.
- Drivers of vehicles manufactured before 2000 are not required to implement an ELD.



## **What is the AHC’s position on this?**

The AHC, in collaboration with the rest of the animal agriculture community, has requested that the Department of Transportation (DOT) grant a one-year enforcement delay followed by a waiver and limited exemptions from compliance with the December 18, 2017 implementation date for the Final Rule on Electronic Logging Devices (ELDs) and Hours of Service (HOS).

Additionally, we requested that the DOT address the significant problems with the mandate that will occur if the compliance deadline is not extended. The welfare, safety, and health of the animals in transit, together with the safety of other drivers on the road, are top priorities for the equine industry and its enthusiasts.

Many horse operations and competitions are in rural areas, routinely requiring long, and repeated, trips. These animals, when loaded onto trailers, are vulnerable to changes in temperature, humidity, and precipitation. Horse haulers are accustomed to managing these changing conditions through planning, log books and notations in those books. These planning techniques have adapted and evolved over decades as technology has improved. Unfortunately, the quick transition to ELDs does not allow for the natural trial and error process to adequately meet the needs of the horse industry.

The equine industry and the millions of horse fans who attend equine events rely on safe and effective methods of transportation from every corner of the United States. Domestic transit of our competition and breeding animals is critical to the business continuity of our industry and largely relies on the use of large commercial haulers. These individuals have expressed their concern with the implications of this rule in regard to the negative impacts to standards in welfare, biosecurity and cost.

We are disappointed that the FMCSA did not feel the need to reach out to the larger livestock industry stakeholders prior to finalizing this rule, but specifically for not reaching out to the equine industry considering the constant and repeated travel inherent to the competitive, coast to coast nature of our industry. While horse haulers are able to provide more accommodating shipping conditions compared to other livestock sectors, the issues we have with immediate implementation of the rule mirror those of the larger animal agriculture community.

The American Horse Council will continue to petition for an enforcement delay, to be followed by a waiver and/or limited exemptions from compliance with the final rule on ELDs, and specifically the expected Hours of Service (HOS). Additionally, we will continue to take advantage of any opportunity to collaborate with FMCSA and the DOT during this delay to better meet the needs of the animal agriculture community on future regulatory efforts.

**For more information or questions, please contact the American Horse Council at 202.296.4031 or [info@horsecouncil.org](mailto:info@horsecouncil.org)**

**[www.horsecouncil.org](http://www.horsecouncil.org)**



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