

Electronic Logging Device Mandate

Background:

After several years of delay, the U.S. Department of Transportation (DOT) published a final rule regarding the electronic log book mandate that became effective February 16, 2016. All motor carriers and drivers who are currently required to keep records of duty status (RODS) on paper must install and use an electronic logging device (ELD) no later than December 18, 2017. An ELD synchronizes with a vehicle engine to automatically record driving time.

The following are exempt:

- Drivers who keep RODS no more than 8 days during any 30-day period
- Drive-away and tow-away drivers (transporting a vehicle for sale, lease, or repair), provided the vehicle driven is part of the shipment;
- Drivers of vehicles manufactured before model year 2000; and
- Drivers who use the timecard exception and do not keep paper RODS.

Issues:

The ELD enforcement date and existing hours of service (HOS) regulations pose significant consequences for the livestock industry. Current federal law limits the average work week for truck drivers to 70 hours, with a maximum driving time of 11 consecutive hours in a 14 hour on duty window. Once a driver hits the maximum hour allotment, he or she must stop and rest for 10 consecutive hours before returning to duty. This is not enough drive time to accommodate the realities of livestock hauling, particularly since many deliveries in Nebraska come from locations well over 11 hours away.

**722.6 road mile radius from Kearney, NE:
*11 hours at 50 mph + 172.6 road mile exemption**



Recently, the Federal Motor Carrier Safety Administration (FMCSA) issued supplemental guidance to allow for an HOS exemption for any time spent loading or transporting livestock within a 150-air mile (172.6 road mile) radius of the origin of the livestock load. While this slightly extends the driving window, it is still not enough drive time for a centrally located, top cattle-feeding state like Nebraska.

Hauling livestock is very different than hauling any other commodity. Even if teams are used to run livestock, deliveries will still take twice as long due to multiple stops. This can be dangerous for the livestock, especially during the summer months when high temperatures and humidity can be stressful on cattle.

Significant opposition also exists as to driving in pairs. Wages would essentially double for the work of one driver, raising trucking costs for the delivery of feeder cattle. Additionally, losing the ability to drive alone could cause a major shortage of long haul truckers.



"Working for Nebraska beef producers - pasture to plate."

Public Safety Concerns:

Safety for our drivers and the public along with the health and welfare of our animals are a top priority. Federal data on motor vehicle accidents shows that livestock hauling-related injuries and fatalities are exceptionally rare:

- 2 out of 166 large truck crashes studied – 2003 National Highway Transportation Safety Administration report
- 5 out of 1,000 trucks from a nationally representative sample pool – 2005 FMCSA study
- 20 out of 4,352 – 2008 Center for National Truck and Bus Statistics at the University of Michigan Transportation Research Institute (TIFA study)
- FMCSA relied on the TIFA study in its decision to exempt livestock haulers from the 30-minute break rule under HOS, citing the low number of fatal crashes for an industry that includes 66,316 active livestock carriers.

Solutions:

The vast majority of livestock hauls can be safely completed via longer periods of drive time with minor modifications to the HOS regulations. Industry is working on a long-term solution to this issue that will allow haulers to follow the law while meeting the realities of hauling live animals.

1. The ELD mandate must be delayed no less than one year so that industry and DOT can craft a workable solution.
 - ✓ The U.S. House Appropriations Committee has included language in its FY 2018 Transportation, Housing and Urban Development bill to delay the ELD mandate for livestock and insect haulers by one year.
2. Federal HOS requirements must be made more flexible to account for unique issues inherent to livestock hauling.
 - ✓ NC is advocating for an additional 150-air mile exempt radius added to the conclusion of a haul, for a total exemption of 300-air miles.
 - ✓ Industry is also considering whether we can push for an extension of the driving window from 11 hours to between 15 and 18.

Questions:

1. Do you haul livestock for your operation?
 - a. If yes, do your out-of-state runs typically exceed 11 hours? What is the farthest location you travel?
 - b. If no, does your operation depend on a livestock hauler? Does that hauler travel 11 hours or more to/from your operation?
2. How many hours of drive time can the livestock industry realistically ask for before we get pushback from public safety groups?

For more information contact NC's Director of Legal & Regulatory Affairs, Jessie Herrmann, at jherrmann@necattlemen.org or 402-475-2333.