



# Transportation Updates and Regulatory News (TURN)

A quarterly publication of the Agricultural Marketing Service  
[www.ams.usda.gov/rules-regulations/transportation/turn](http://www.ams.usda.gov/rules-regulations/transportation/turn)

March 2018

## FMCSA Announces New ELD Waiver for Transporters of Agricultural Commodities

On March 13, 2018, the Federal Motor Carrier Safety Administration (FMCSA) [granted](#) an additional 90-day temporary waiver from the Electronic Logging Device (ELD) rule for agriculture related transportation. The ELD rule went into effect in December 2017, with DOT granting the agriculture industry an initial exemption that was set to expire on March 18, 2018. With the granting of another extension, the agriculture industry will now have

additional time to comply. During this time period, FMCSA will publish final guidance on both the agricultural 150 air-mile hours-of-service exemption and personal conveyance. FMCSA will continue its outreach to provide assistance to the agricultural industry and community regarding the ELD rule.

## Agricultural Exceptions and Exemptions to the Federal Motor Carrier Safety Administration Rules

FMCSA [updated](#) their “Agricultural Exceptions and Exemptions to the Federal Motor Carrier Safety

Administration Hours of Service (HOS) and Commercial Driver’s License (CDL) Rules” webpage. The updated site provides clarification on when farm, ranch, and agriculture haulers are subject to FMCSA’s rules and regulations, including electronic logging devices (ELD). Interested parties can [“Sign up for Agricultural email updates.”](#) For more information regarding the ELD rule, visit [FMCSA’s ELD webpage](#). Questions may be submitted to [agricultural@dot.gov](mailto:agricultural@dot.gov).



### **Application for ELD Exemption for Short-Term Rental Vehicles**

FMCSA [announced](#) receiving an application from the Truck Renting and Leasing Association Inc. (TRALA), requesting an exemption from the Electronic Logging Device (ELD) requirements until December 31, 2018, for all drivers of property-carrying commercial motor vehicles rented for 30 days or fewer. In the exemption request, TRALA says the 90-day waiver, granted in January 19, 2018, and expiring on April 19, 2018, is not sufficient to address the ELD problems they and their short-term lessors are encountering and need additional time to develop compliance strategies for the unique issues impacting short-term rental vehicles. TRALA believes the exemption would not have any adverse impacts on operational safety, as drivers would continue to remain subject to the hours-of-service regulations as well as the requirements to maintain a paper record of duty status.

### **FMCSA Facilitates the Issuance of Licensing Documents to Former Residents of Puerto Rico**

On February 20, 2018, FMCSA [granted](#) a limited 90-day waiver of certain requirements concerning proof of U.S. citizenship or legal permanent residence and domicile. This will enable State driver licensing agencies (SDLAs) to accept commercial learner's permit (CLP) and commercial driver's license (CDL) applications from individuals relocating from Puerto Rico, as a result of hurricanes Irma and Maria. FMCSA also [announced](#) it has received an exemption application from the Commercial Vehicle Training Association (CVTA), on behalf of the States, to assist drivers from Puerto Rico who must rely on alternate documents to establish identity, as a result of loss from the hurricanes. Comments and documents may be viewed in Docket Number [FMCSA-2017-0374](#).

### **Crash Preventability Demonstration Program Update**

On February 7, 2018, FMCSA [provided](#) additional information to help submitters, and other interested parties,

understand the Crash Preventability Demonstration Program, initiated in July of 2017, to accept requests for data review (RDRs). The additional information includes how to correctly submit requests, types of crashes that will be reviewed, documentation required, re-opening a request, public input, FMCSA use of data, and the national data correction system known as DataQs. The crash preventability demonstration program began accepting RDRs on August 1, 2017, for crashes that occurred on or after June 1, 2017. FMCSA used the data to evaluate the preventability of certain categories of crashes through DataQs. Additional information is available in Docket Number [FMCSA-2014-0177](#).

### **FMCSA Assists Carriers Experiencing Problems Integrating PeopleNet ELD System Updates**

On January 31, 2018, FMCSA [announced](#) an application for exemption for Old Dominion and other motor carriers experiencing problems integrating PeopleNet ELD system updates into their fleet management systems. This announcement followed the limited 90-day waiver [granted](#) to the carriers, which expires March 18,



2018. An exemption would allow the carriers to install ELD devices, running on automatic on-board recording device (AOBRD) software, in commercial motor vehicles (CMVs). ELD Devices can be added to a company's fleet for up to one year from the December 18, 2017, ELD compliance date. If granted, this modified ELD phase-in period will allow PeopleNet to complete the development of the software necessary to integrate ELD data with a company's fleet management and safety systems, to fully meet the ELD mandate. Comments can be viewed in Docket Number [FMCSA-2018-0002](#).

### **Application for ELD Exemption for SikhsPAC and the North American Punjabiz Trucker Association**

On January 26, 2018, FMCSA [announced](#) the application by SikhsPAC and the North American Punjabiz Trucker Association for an exemption from the electronic logging device (ELD) requirements. The exemption would allow members involved in segments of America's agricultural transportation industry to delay using ELDs. The applicants expressed their concerns about how the ELD mandate would negatively impact their

industry, if the exemption is not granted. According to the applicants, granting the exemption would achieve a level of safety equivalent to the level achieved by the ELD mandate. Comments can be viewed in Docket Number [FMCSA-2017-0342](#).

### **Comments Available Concerning the Transportation of Agricultural Commodities**

On February 20, 2018, the additional 30-day comment period ended for FMCSA's proposed regulatory guidance concerning the transportation of agricultural commodities. Comments can be viewed in Docket Number [FMCSA-2017-0360](#).

### **Comments Available Concerning Personal Use of a Truck While Laden and Unladen**

On February 20, 2018, the additional 30-day comment period ended for FMCSA's proposed regulatory guidance concerning the use of a commercial motor vehicle for personal conveyance, while laden and unladen. Comments can be viewed in Docket Number [FMCSA-2017-0108](#).

### **FMCSA Granted a Limited 90-day ELD Waiver for Trucks Rented for a Period not exceeding 30 Days**

On January 19, 2018, FMCSA [granted](#) a limited 90-day waiver of the requirements for ELDs to motor carriers and drivers operating property-carrying commercial motor vehicles (CMVs), rented for a period not exceeding 30 days. FMCSA took this action in response to a waiver request from the Truck Renting and Leasing Association, Inc. (TRALA). FMCSA determined that granting this waiver was in the public interest and would likely achieve a level of safety that is equivalent to the level that would be achieved absent the waiver, based on the terms and conditions imposed. The waiver is effective through April 19, 2018.

### **Application for ELD Exemption for Transportation of Propane Fuel and Anhydrous Ammonia**

On January 10, 2018, FMCSA [announced](#) that STC, Inc. requested an exemption from the requirement that motor carriers and their drivers use an ELD. STC uses up to 75 trucks to transport propane fuel and anhydrous



ammonia for agricultural use. In the requested exemption, STC states that because their agricultural operations are seasonal and dependent on the weather, the ELD requirement creates an undue financial burden on its business. STC states that its operations under the exemption would achieve a level of safety equivalent to, or greater than, the level that would be achieved absent the proposed exemption. Comments may be viewed in Docket Number [FMCSA-2017-0373](#).

### **Application to Allow Alternate Methods for Securing Agricultural Commodities**

On January 5, 2018, FMCSA [requested](#) public comment on an application for exemption, from the Agricultural and Food Transporters Conference (AFTC) of the American Trucking Associations (ATA), to allow certain alternate methods for securing agricultural commodities

transported in wood and plastic boxes and bins and large fiberglass tubs; along with hay, straw, and cotton bales that are grouped together into large singular units. Federal Motor Carrier Safety Regulations generally require loads to be secured by a minimum number of tiedowns, based on article length. The aggregate working load limit of those tiedowns must be at least one-half times the weight of the article or group of articles being transported. Based on the results of a comprehensive test program conducted by FMCSA, in collaboration with the California Highway Patrol (CHP), the California Department of Food and Agriculture, the California Trucking Association, and others, AFTC believes that use of certain alternate cargo securement methods will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. This is verified by

test results confirming that the performance requirements of the regulations are met when using the alternate securement methods. Comments may be viewed in Docket Number [FMCSA-2017-0319](#).

Photo credits: USDA

USDA is an equal opportunity provider, employer, and lender.