

Electronic Logging Devices (ELDs) and Ready Mixed Concrete Trucks

On December 16, 2015, the Federal Motor Carrier Safety Administration (FMCSA) finalized a rule mandating all commercial motor vehicles (CMVs), such as ready mixed concrete trucks, install and use electronic logging devices (ELDS) as means for complying with federal hours of service (HOS) regulations. The compliance date for the new rule is December 18, 2017. However, due to changes made to the HOS regulations through NRMCA advocacy efforts achieved within the *Fixing America's Surface Transportation Act* (FAST Act), the requirements for ready mixed concrete truck compliance with ELDs has changed (81 *Federal Register* 47714). Specifically, non-compliance is allowed through simultaneous use of the below provisions:

ELD Exemptions (80 *Federal Register* 78291)

ELDs are not required if:

- Drivers do not need to keep a Record of Duty Status (RODS); and
- Drivers only need to keep RODS fewer than 8 times in any 30-day period.

Record of Duty Status (RODS) (49 C.F.R. 395.8)

RODS are not needed if a driver can take advantage of the 100 air-mile logging exemption.

100 Air-Mile Logging Exemption (49 C.F.R. 395.1(e)(1))

(e) Short-haul operations—(1) 100 air-mile radius driver. A driver is exempt from the requirements of §395.8 and §395.11 if:

(i) The driver operates within a 100 air-mile radius of the normal work reporting location;

(ii)(A) The driver, except a driver salesperson or a driver of a ready-mixed concrete delivery vehicle, returns to the work reporting location and is released from work within 12 consecutive hours;

(B) The driver of a ready-mixed concrete delivery vehicle returns to the work reporting location and is released from work within 14 consecutive hours;

(iii)(A) A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, has at least 10 consecutive hours off duty separating each 12 hours on duty;

(B) A driver of a ready-mixed concrete delivery vehicle has at least 10 consecutive hours off duty separating each 14 hours on duty;

(C) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;

(iv)(A) A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, does not exceed the maximum driving time specified in § 395.3(a)(3) following 10 consecutive hours off duty; or

(B) A driver of a ready-mixed concrete delivery vehicle does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or

(C) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and

(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

(A) The time the driver reports for duty each day; (B) The total number of hours the driver is on duty each day; (C) The time the driver is released from duty each day; and (D) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

Summary:

Specifically, when examining and utilizing the above provisions, ready mixed concrete truck drivers only need to comply with the ELD mandate if a driver works past 14 hours and/or drives beyond 100 air-miles, more than 8 times in any 30-day period, as per the specific ready mixed concrete provisions contained within the 100 air-mile logging exemption (49 C.F.R. 395.1(e)(1)(ii)(B)). This provides the opportunity for producers to monitor their drivers' hours closely enough so as to not trip the thresholds.

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