

# GROWERTALKS

## GT in Brief

1/1/2018

## Ag Truckers Get a 90-day ELD waiver

*Chris Beytes*

If you truck your plant material more than 150 air miles (or 172 road miles) from your greenhouse or nursery, you should be aware that you now face new Electronic Logging Device (ELD) rules that went into effect December 18. These devices automatically record your truck (and driver's) travel history, so drivers can't fudge the log books and do more driving than legally allowed.

If you read the article "New Rules for the Road" by Matthew Castriotta of trucking company Reed TMS Logistics in GrowerTalks' November issue, you'll know all about the new rule.

However, the Department of Transportation has granted a 90-day waiver for agricultural and livestock haulers, while they consider an exemption that would take into account the well-being of animals. This comes after seven livestock organizations petitioned DOT for a waiver and exemption. It sounds like the temporary waiver covers all of agriculture, not just live animal haulers.

However, it's unlikely that plant haulers will get an exemption from the ELD rule, so, if you haven't already, get your electronic logging devices fired up!

### The 150-mile (by air) ag exemption

There is one exemption for agriculture producers that I mentioned above. Former editor Debbie Hamrick, now with the North Carolina Farm Bureau, brought it up after reading Matthew's article. She wrote to me:

"In omitting information about the 150-air-mile exemption for agriculture, Matthew overlooked an important way the rule accommodates ag producers, including greenhouse growers. Agriculture receives an exemption for the first 150 air miles (172 road miles) from the farm before the ELD begins to count time. At the 172 road-mile mark, the ELD time counts. Please note that the exemption is tied to hauling agricultural commodities during planting and harvest season, which may vary by state. Here in North Carolina it's defined as 12:01 a.m. January 1 to December 31 midnight."

We asked Matthew if he could offer any clarification or insight about the ag exemptions. He replied thusly:

"Agricultural HOS (Hours of Service) exemptions have been around prior to the ELD Mandate. If your readership believes they qualify for exemption from HOS rules, I recommend they call the FMCSA (Federal Motor Carrier Safety Administration) to make sure they fully comply with the limitations of that exemption. If a driver goes over the 150 air-mile limitation, they will still need to have ELDs installed in their Commercial Motor Vehicle (definition can be found on FMCSA website) unless they have an old power unit (separate exemption). The rules may be a little unclear for some of your readership who might not deal with trucking as their primary business operation.

"The fines for not complying with the ELD Mandate and violating HOS rules are in the hundreds and thousands, and non-compliance fines and fees may pose a serious risk to your readers' businesses if they get caught breaking the rules. With ELDs it will be easier to get caught breaking the HOS rules, especially next year when it will probably be an emphasis for enforcement."

Matthew concluded with this advice: "If I were a grower with trucks, I would call the FMCSA for verification of any exemptions my business may qualify to run under."

That number would be (800) 832-5660. **GT**