FMCSA proposes electronic logging device mandate: A look at what’s in it

Presented By
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The Cline Wood Agency
E-Log Machines
Smart Phones can be used
E-Log Machines
Electronic Tablets can be used
FMCSA proposes electronic logging device mandate:

- On March 12, 2014 The (FMCSA) Federal Motor Carrier Safety Administration announced a Supplemental Notice for Proposed Rulemaking to mandate the use electronic logging devices.

- The American Trucking Associations welcomed the proposal, while the Owner-Operator Independent Drivers Association stated it will be closely studying the proposed rule during the 60 Day comment period, which started March 28, 2014.
FMCSA proposes electronic logging device mandate:

- The electronic logging mandate’s or ELD Mandate’s effective date and publication date in the Federal Register were not announced. The FMCSA is targeting for the rule to go into effect in late 2016. The proposal states the mandate will go into effect two years after the final rule is issued, which the FMCSA is projecting to happen in the second half of 2014 (October or November 2014).

- The rules estimates the annual cost of compliance will be between $165 and $832 per truck.
The rule consists of four parts:

1. The requirement to use Electronic Logging Device or ELD
2. Protection against Driver Harassment
3. Hardware specifications for the devices
4. Supporting documents drivers must continue to carry after the ELD mandate.
Mandating logging devices

- The mandate will apply to all drivers who are currently required to keep paper records of duty status. Drivers who are required to keep records of duty status in eight or more days out of every 30 days must use an ELD. This is a change from the 2011 rule which outlined that drivers who keep records of duty status two or more days out of every seven use a logging device.

- Company’s who are using or have used what the FMCSA calls “automatic onboard recording devices” prior to the ELD mandate will have two additional years (4 total) years to implement the ELD Machines.
Driver harassment

- Driver harassment in regards to the use of e-logs was the key factor that caused a court to throw out the last ELD mandate. The new ELD rule includes provisions to prevent driver harassment involving the devices.

- According to the ELD rule, the FMCSA says its two “primary focuses” 1) pressures on drivers to exceed hours of service limits and 2) inappropriate communications that affect drivers’ rest periods.”

- Proposed safeguards against harassment in the new ELD rule include expanded drivers’ access to records, specific wording about carriers harassing drivers, implementing a complaint procedure, increasing penalties for those who do harass drivers, “edit rights” for drivers, limitations on location tracking, mute functionality for the devices and preserving driver confidentiality in enforcement proceedings.
Hardware specs

- The new rule requires ELDs to be integrated with the truck’s engine and to use GPS information.
- They also must be tamper-resistant. The devices will track the truck’s movement but can allow for annotations by both drivers and carriers “to explain or correct records.
- FMCSA is developing with states software to be able to receive, analyze and display data from ELDs so that roadside officers can use the information.
- The ELD rule also stipulates that the ELDs “present a graph grid of a driver’s daily duty status changes either” on the units themselves or in printouts.
- The ELD rule also stipulates the connectivity methods, which include Bluetooth 2.1, email, and USB 2.0
Supporting documents

• Carriers and drivers will still be required to maintain documentation that verifies drivers’ hours-of-service records. “Supporting documents” can refer to either paper or electronic documents.

• For every 24-hour period the driver is on duty, carriers must maintain no more than 10 supporting documents from either of these categories bills of lading, itineraries, schedules or other documents that show trip origin and destination, dispatch records, trip records or similar documents, expense receipts, electronic mobile communication records sent through fleet management systems, or payroll records, settlement sheets or similar documents that show what and how a driver is being paid.
HOS Refresher
34 hour Restart & 30 minute Break
Refresher: 34 Hour Restart

The 34 Hour restart is “OPTIONAL” – If you can stay within your 60 or 70 hours you can use the “Recap” to get your days back.

34 Hour Re-Start:

- Limited to every 168 hours (7days)
- The time starts from the beginning of the previous 34 hour restart period.
- MUST include two consecutive days from 1 am to 5 am.
## Example: 34 hour Re-Start

<table>
<thead>
<tr>
<th>1/1 SAT</th>
<th>1/2 SUN</th>
<th>1/3 MON</th>
<th>1/4 TUE</th>
<th>1/5 WED</th>
<th>1/6 THU</th>
<th>1/7 FRI</th>
<th>1/8 SAT</th>
<th>1/9 SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>48 hours consecutive off duty.</td>
<td>From Monday (1/3) through Friday (1/7), driver accumulates a total of 60 hours (on duty and driving) for that period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Driver starts new 34-hour restart period beginning with Saturday (1/8).</td>
</tr>
</tbody>
</table>

- In this example, the driver reaches his/her maximum 60 hours (on-duty and driving) in 7 days on Friday (1/7) and therefore can begin a new 34-hour restart starting on Saturday (1/8). This is because the 168-hour period is counted from the beginning of the last prior restart, which was on Saturday (1/1). The restart must include two periods between 1:00 a.m. and 5:00 a.m. as well.
Refresher: 30 Minute Break Rule

- Drivers must take a 30 minute Break after being on-duty not driving or driving for 8 hours. You cannot go past the 8 hour mark (adding lines 3 & 4 together)
- Companies that use the 100 Air-Mile Radius do not have to document the Mandatory 30 minute break.
- This break can be taken either on the off-duty line or the sleeper berth line on the log book. (lines 1 & 2)
- Written instructions are no longer required to be cared by the drivers
- Only guidelines: The driver must be relieved of all duty and responsibility of the vehicle and the load
Example:
30 minute Break

In this example, beginning with the start of the driving window at 10:00 a.m., the driver was on duty for 1 hour, drove for 2 hours, was on duty for 3 hours, and then drove 2 more hours – totaling 8 hours (combined driving and on-duty time). At 6:00 p.m. on Day 1, the driver takes the required minimum 30-minute off-duty break, then goes back on duty for \( \frac{1}{2} \) hour, and completes the 14-hour “driving window” at 12:00 Midnight.

In this example the driver could have also taken the 30 minute break on line 2 – “The Sleeper Berth” Section.
Medical Certificate

Changes

MEDICAL EXAMINER’S CERTIFICATE

I certify I have examined ____________ JOHN PUBLIC ____________ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:

- Wearing corrective lenses
- Wearing hearing aid
- Accompanied by a ________ waiver/exemption
- Driving within an exempt intrastate zone (49 CFR 391.62)
- Accompanied by a Skill Performance Evaluation Certificate (SPE)
- Qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER
Ben Sample
BENJAMIN SAMPLE, MD

TELEPHONE
555-555-5555

DATE
05/04/2012

MEDICAL EXAMINER’S LICENSE OR CERTIFICATE NO./ISSUING STATE
MD99999 OREGON

NATIONAL REGISTRY NO.

SIGNATURE OF DRIVER
John Public

ADDRESS OF DRIVER

MEDICAL CERTIFICATE EXPIRATION DATE
05/04/2014

CDL

DRIVER’S LICENSE NO.

STATE
By January 31, 2014 all drivers/companies should have taken all their medical information into their local DMV to have it added/(Merged) to their CDL.

The FMCSA did extend the carrying of the medical card for 1 year – BUT they did not extend the timeframe for drivers to Merge their medical with their CDL.

The only way to check to see if this has been done and done correctly is run a new MVR on yourself/driver.
Beginning May 21, 2014 all medical examiners will be required to complete specific training to continue to conduct DOT Physicals on drivers.

Please reference the Medical Registry website:

http://nrcme.fmcsa.dot.gov

This website will help you locate a “Certified” medical examiner in your area or closest to your area.
Welcome

The National Registry of Certified Medical Examiners (National Registry) is a new Federal Motor Carrier Safety Administration (FMCSA) program. It requires all medical examiners (MEs) who wish to perform physical examinations for interstate commercial motor vehicle (CMV) drivers to be trained and certified in FMCSA physical qualification standards. Medical examiners who have completed the training and successfully passed the test are included in an online directory on the National Registry website.

Learn More

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Radius

25

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Advanced Search

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Find a Testing Organization

Find a Training Organization

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- Data-Q  [https://dataqs.fmcsa.dot.gov](https://dataqs.fmcsa.dot.gov)