



# MARYLAND CONSTRUCTION AND MATERIALS CONFERENCE

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# ELDs – The Law

- Congress mandated ELDs in 2012 -- MAP-21
- MAP-21 required the DOT Secretary to:
  - adopt regulations requiring that CMVs involved in interstate commerce operated by drivers who are required to keep RODS, be equipped with ELDs;
  - Ensure that information from an ELD is not used to harass a vehicle operator; and,
  - Consider how the need for supporting documents might be reduced...without diminishing HOS enforcement
- Congress did **not** require all CMV drivers to use ELDs.

# ELDs – The Rules – General Info

- Published in final form in December 2015 ; effective in Feb 2016; **compliance date is *December 2017***
- In broad strokes, the rules:
  - Mandate ELDs for *most* drivers currently using RODS;
  - Require new design & performance specifications for ELDs
  - Clarify supporting document requirements and retention
  - Adopt procedural and technical provisions aimed at ensuring ELDs are not used to harass drivers

# ELDs – The Rules – Compliance Dates

- ELD compliance date is December 18, 2017 – industry is in middle of 2 year adoption window
  - Only registered and certified ELDs may be used
- Rule provides grandfather provision for AOBRDs. Fleets using ‘ELD-like’ devices meeting current standards (49 CFR 395.15) may continue using them until December 2019
- If AOBRDs can be modified to meet the ELD specs (e.g., software upgrade), they can be used after December 2019

# ELDs – The Rules - Applicability

- **Mandate ELDs for most drivers using RODS**
  
- **Limited Exceptions:**
  - ✓ Short haul drivers (100 & 150 air-mile radius drivers) using timecard exception, and not using RODS for more than 8 days during any 30 day period
  - ✓ Drivers conducting driveaway-towaway operations where vehicle being driven is the commodity being delivered
  - ✓ Drivers in a driveaway-towaway operation if the vehicle being transported is a motor home or RV trailer
  - ✓ Drivers of CMVs manufactured before model year 2000

# ELDs – The Rules - Applicability

- **The 100 Air-mile Radius Driver Exception:**
  - ✓ **It is a logbook exception. Logbook not required IF driver**
    - ❖ Stays within 100 air-mile radius of work reporting location
    - ❖ Reports and returns to work reporting location within 12 consecutive hours
    - ❖ Has at least 10 hours off-duty between work shifts, and
    - ❖ Company keeps time records showing time in, time out and total number of work hours
- **Driver can be outside of this exception 8 days in any 30-day period, do a paper log, and still be excepted from ELDs**
- **The 9<sup>th</sup> day in any 30-day period outside of this exception brings driver under ELD rule**

# Implementing ELDs

- **Must be “integrally synchronized” with the vehicle’s engine and must automatically record all driving time, and**
- **Must “intermittently record” the following data:**
  - ✓ **Date**
  - ✓ **Time**
  - ✓ **Location (1 mile or 10 miles depending on duty status)**
  - ✓ **Engine hours**
  - ✓ **Vehicle miles**
  - ✓ **Identification info for driver, vehicle and carrier**

# ELDs – The Rules – Technical Specs #2

- **When is “intermittently record”?**
  - ✓ Login and logout
  - ✓ Engine power up and down
  - ✓ Every 60 minutes during driving time
  - ✓ When driver makes a change of duty status or a change to a special driving category
- **ELDs must be capable of exporting data in a standard file format to facilitate importing by other systems.**
  - ✓ But, other devices and systems are not required to be capable of importing the records...



## ELDs – The Rules – Technical Specs #3

- **PLAN A - ELDs must transfer data electronically to roadside officials via either:**
  - ✓ Telematics option – wireless web services or email, OR
  - ✓ Local option – USB 2.0 or Bluetooth
- **PLAN B - In all cases, drivers must be able to show roadside officer a graph-grid of HOS compliance, either on**
  - ✓ the ELDs screen display, OR
  - ✓ On a paper printout

## ELDs – The Rules – Technical Specs #4

- **ELDs are not required to:**
  - ✓ Track a driver or CMV in real time
  - ✓ Include communications capability between driver and carrier
  - ✓ Include a monthly cellular and data plan
  - ✓ Include an integrated printer

# ELDs – The Rules – Supporting Documents #1

- Include new document retention requirements to verify on-duty, not driving time.
- Fleets must retain up to 8 supporting documents from the following categories:
  - ✓ Bills of lading, itineraries, schedules or equiv docs indicating origin and destination
  - ✓ Dispatch or trip records
  - ✓ Expense receipts related to on-duty, not driving time
  - ✓ Text, email or instant messages, or other electronic communications through a Fleet Management System
  - ✓ Payroll records, settlement sheets or equiv docs
- Docs must contain driver identification, date, location and time

## **ELDs – The Rules – Supporting Documents #2**

- **IF fleet has more than 8 documents containing data elements, it must retain supporting documents nearest the beginning and the end of a driver's shift**
- **Drivers must submit such docs within 13 days of receipt AND must provide those in possession to roadside officers upon request**
- **Fleets must maintain them in a way that allows them to be matched to a driver's ELD record**

## ELDs – Other Relevant Rules & Rule-related Information #2

- ELD malfunctions – must be fixed within 8 days
- Maintenance & calibration requirements
- ELD record retention – backup and security requirements
- Driver access to ELD record
- In-truck requirements
  - ✓ User's manual for driver
  - ✓ Instruction sheet for data transfer
  - ✓ Instruction sheet for driver during malfunctions
  - ✓ Supply of blank paper logs

# Construction Materials and Equipment

- Commercial motor vehicle driver
- Transporting construction materials and equipment
- 75 air mile radius of work reporting location
- Any 60 or 70 hour consecutive period can begin with 24 or more of off duty hours-reset