



Agricultural Operations Exemption to the Hours of Service Rules

***150 air-mile radius Agricultural Exception
and a Driver's Options for Recording
Hours of Service on an Electronic Logging
Device***

Presenters

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Transportation Specialist, FMCSA, MC-P

- Agricultural Regulatory Guidance
 - 150 air-mile “Agricultural commodity” exception
- Electronic Logging Device (ELD) Regulatory Guidance
 - Recording hours of service when transporting an agricultural commodity
- Resources



Agricultural Commodity Regulatory Guidance

150 air-mile radius
“Agricultural commodity”
exception

Primary Agricultural HOS Exemption 49 CFR 395.1(k)

- Planting and harvest periods applicability
- Agricultural Operations terms and definitions
- 395.1(k)(1) 150 air-mile radius “Agricultural commodity” exception

Primary Agricultural HOS Exemption 49 CFR 395.1(k)

150 air-mile Agricultural Exception

The provisions of part **49 CFR 395-Hours of Service** shall not apply during planting and harvesting periods, as determined by each State, to drivers transporting:

150 air-mile Agricultural Exception

- (1) **Agricultural commodities** from the source of the agricultural commodities to a location within a 150 air-mile [172.6 statute mile] radius from the source;

395.2 Definition

Agricultural commodity means any agricultural commodity, nonprocessed food, feed, fiber, or livestock (including livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471] and insects).

150 air-mile Agricultural Exception

- (2) **Farm supplies for agricultural purposes** from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or

395.2 Definition

Farm supplies for agricultural purposes means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

150 air-mile Agricultural Exception

(3) Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.

395.2 Definition

Farm supplies for agricultural purposes means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and **livestock feed at any time of the year.**

Primary Agricultural HOS Exemption 49 CFR 395.1(k)

150 air-mile Agricultural Exception

The 395.1(k) agricultural HOS exception is NOT limited to any specific type of carrier/ operator.

- Eligibility is determined by the nature of the load onboard, the source and destination of the load, and the air-mile radius from the source of the load.

150 air-mile “Agricultural commodity” Exception

Question: Does the agricultural commodity exception (§ 395.1(k)(1)) apply to drivers while driving unloaded within 150 air-miles of the place where an agricultural commodity will be loaded, and to that portion of an unloaded return trip which occurs within a 150 air-mile radius of the place where the agricultural commodity was loaded?

Guidance: Yes, provided that the trip does not involve transporting other cargo and the sole purpose of the trip is to make a pick-up or delivery of agricultural commodities, as defined in § 395.2. In that case, driving and on-duty time are not limited, nor do other requirements of 49 CFR part 395 apply.

395.1(k): En route empty to source

- A – B Empty to within 150 mi. of source
- B – C Empty to source within radius of source
- C - D Loaded source to destination within 150 mi



A

**Hours
count
toward HOS**

B



C



D

*150 air miles =
172.6 statute
miles*

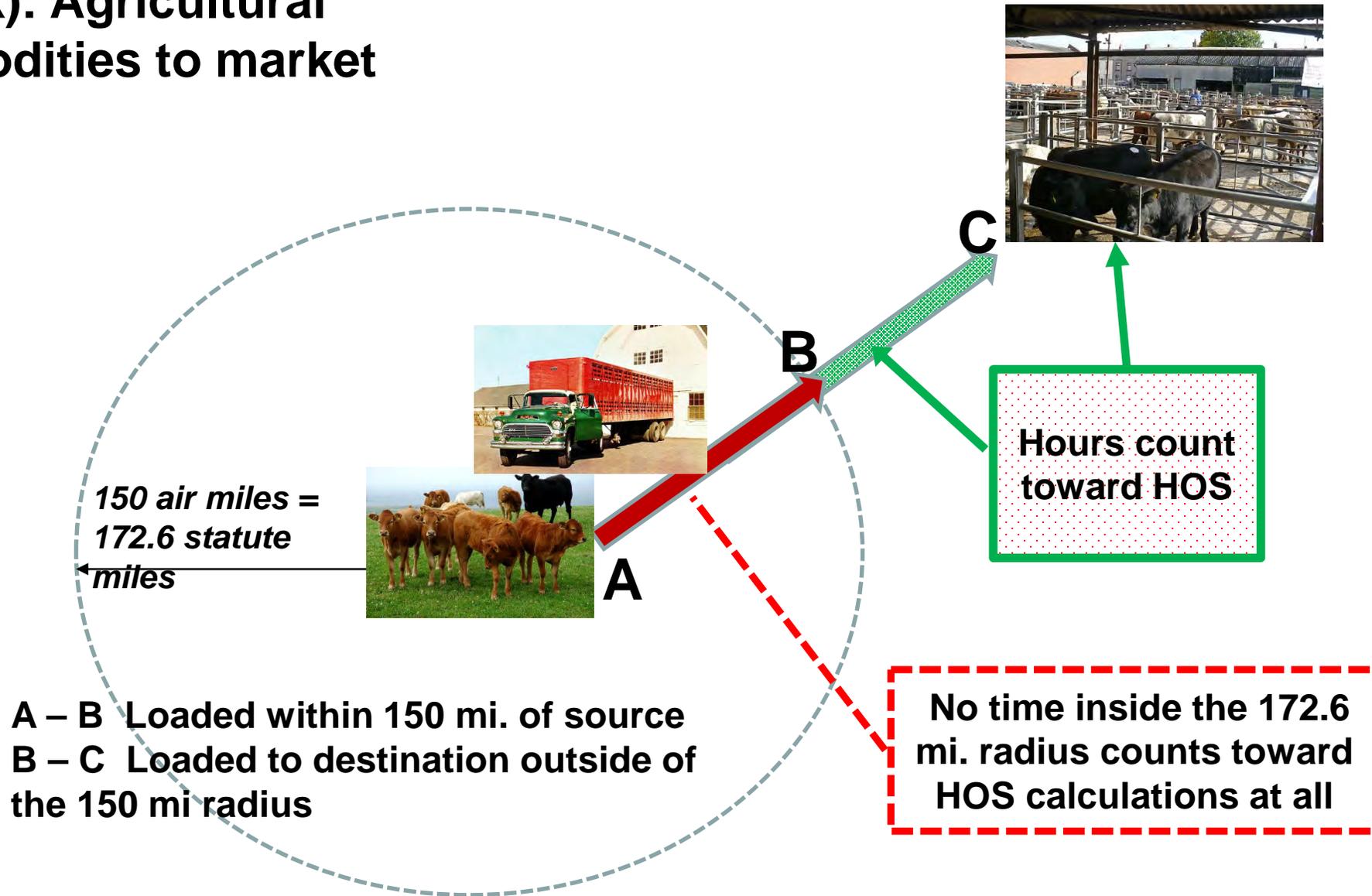
**No time inside the 172.6
mi. radius counts toward
HOS calculations at all**

150 air-mile “Agricultural commodity” Exception

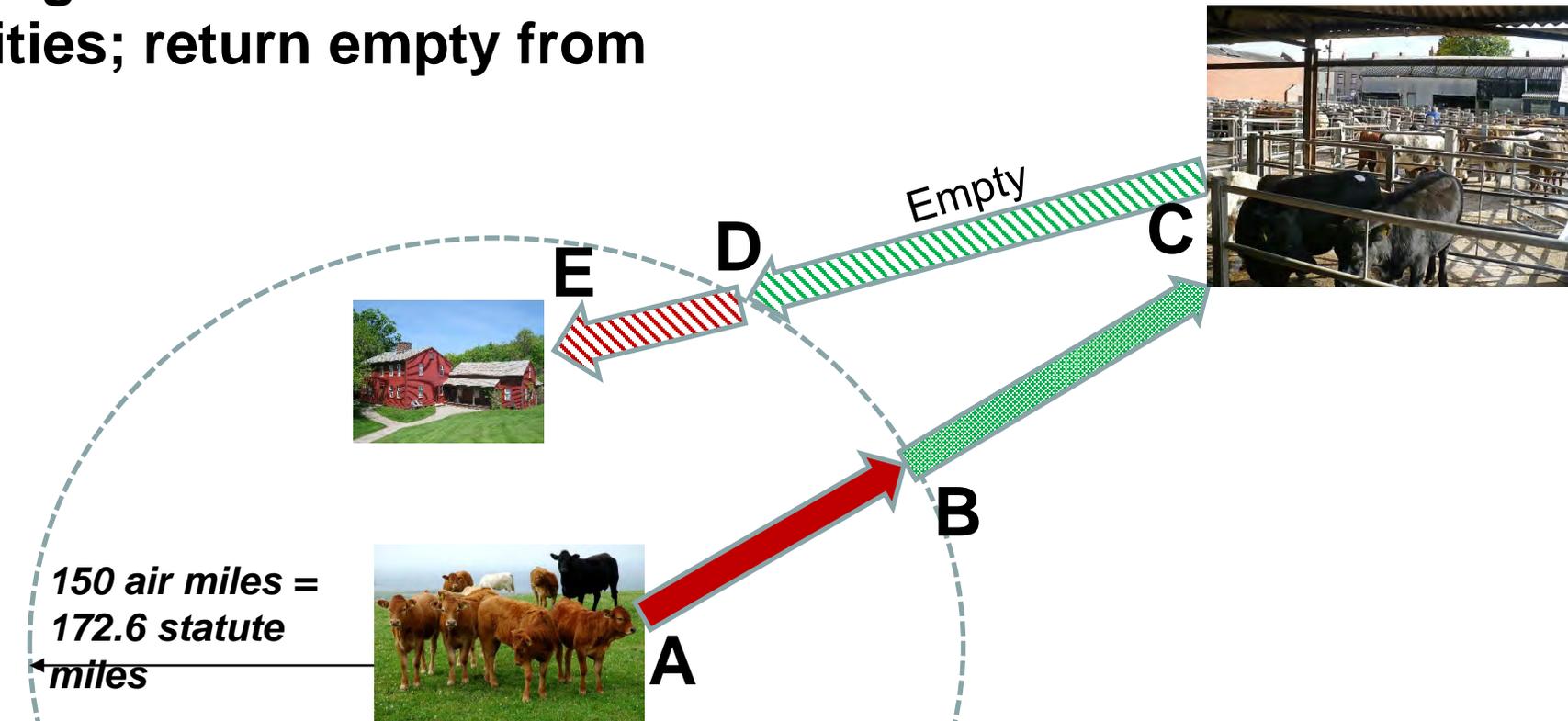
Question: Does the agricultural commodity exception (§ 395.1(k)(1)) apply if the destination for the commodity is beyond the 150 air-mile radius from the source?

Guidance: Yes, the exception applies to transportation during the initial 150 air-miles from the source of the commodity, regardless of the distance to the final destination.

395.1(k): Agricultural commodities to market

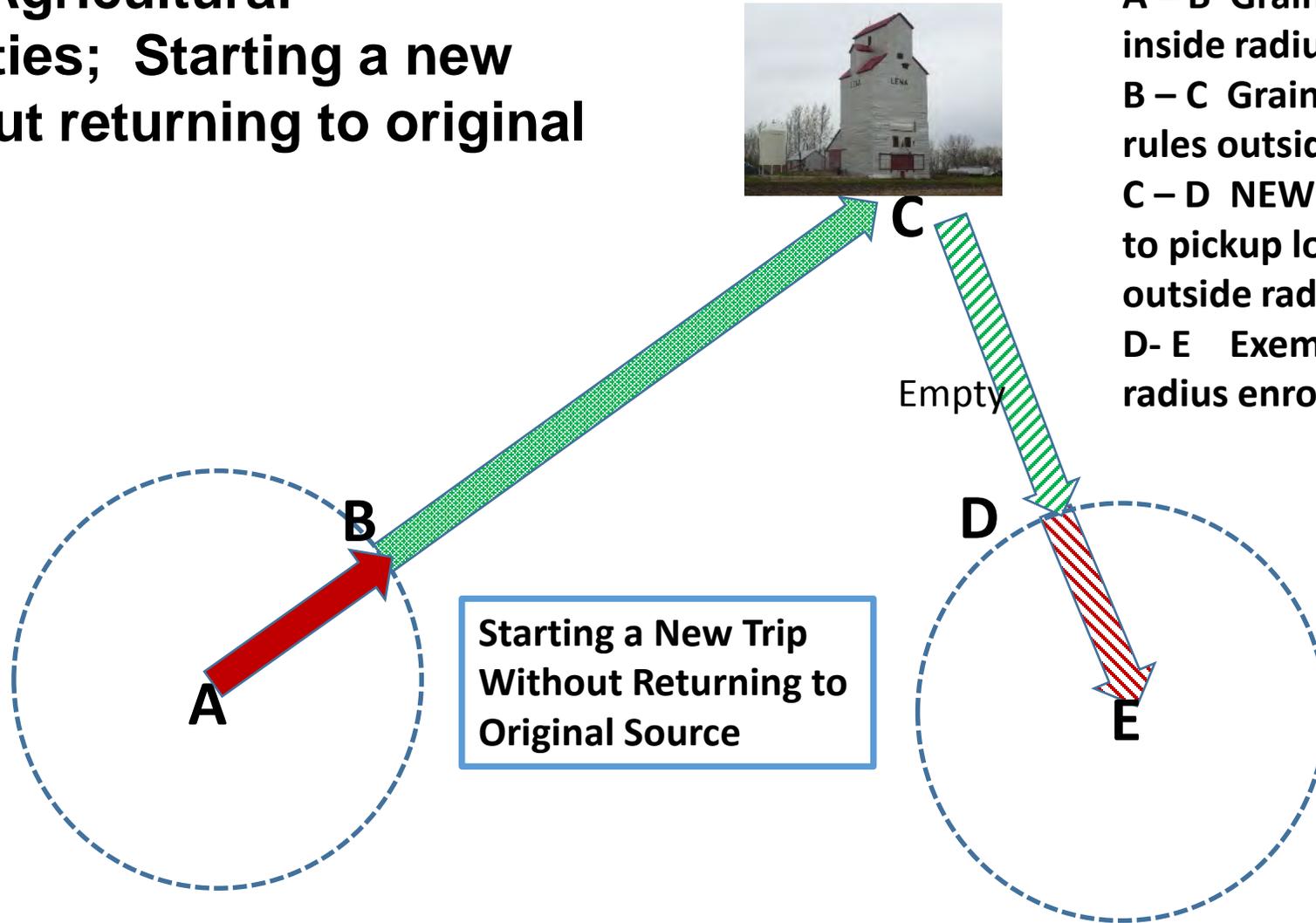


395.1(k): Agricultural commodities; return empty from delivery



- A – B Loaded enroute to destination; exempt inside radius
- B – C Loaded enroute to destination; HOS applies outside radius
- C – D Empty returning to zone; HOS applies outside radius
- D – E Empty returning to zone within original radius of source; Exempt

395.1(k): Agricultural commodities; Starting a new trip without returning to original source



- A – B Grain to elevator; exempt inside radius
- B – C Grain to elevator, HOS rules outside radius
- C – D NEW TRIP Enroute empty to pickup load; HOS applies outside radius
- D- E Exempt while inside radius enroute to pickup point

150 air-mile “Agricultural commodity” Exception

Question: How is the “source” of the agricultural commodities in § 395.1(k)(1) determined?

Guidance: The “source” of an agricultural commodity, as the term is used in § 395.1(k)(1), is the point at which an agricultural commodity is loaded onto an unladen commercial motor vehicle. The location may be any intermediate storage or handling location away from the original source at the farm or field, provided the commodity retains its original form and is not significantly changed by any processing or packing.

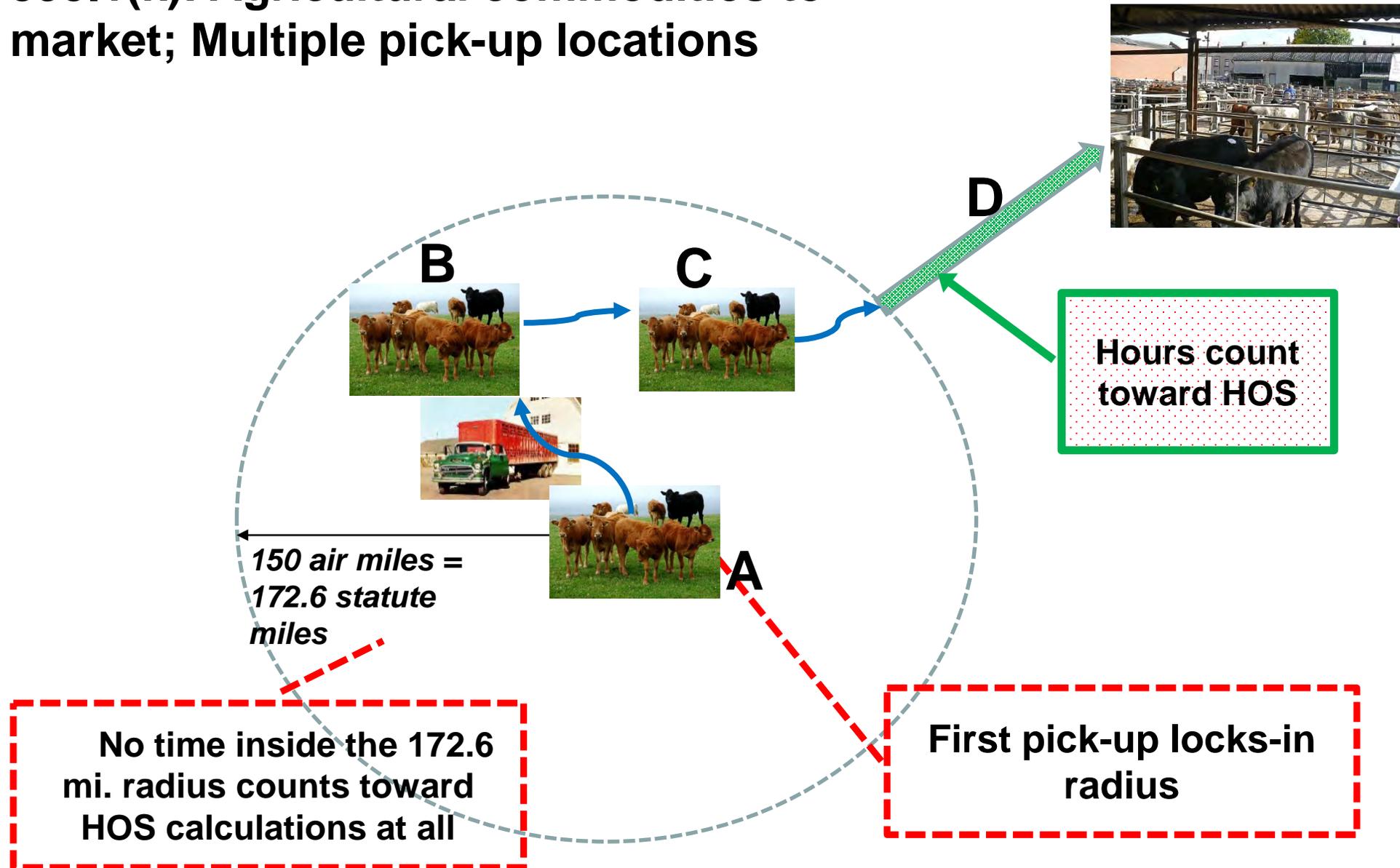


150 air-mile “Agricultural commodity” Exception

Question: How is the “source of the agricultural commodities” determined if the driver makes multiple pick-ups of the commodity en route to the final destination?

Guidance: When a driver loads some of an agricultural commodity at a “source” and then loads more of that commodity at additional stops, the first place where the commodity was loaded is the measuring point for the 150 air-mile radius.

395.1(k): Agricultural commodities to market; Multiple pick-up locations





Electronic Logging Devices (ELDs) Regulatory Guidance

Electronic Logging Device (ELD)



Exception to the ELD requirements

- The short-haul operations exception for preparing a logbook found in 49 CFR 395.1(e)(1) for drivers who operate within a 100 air-mile radius of their normal work reporting location for vehicles that require a CDL and work no longer than 12 hours a day.
- The short-haul operations exception for preparing a logbook found in 49 CFR 395.1(e)(2) for drivers who operate within 150 air-mile radius of their normal work reporting location for vehicle that do not require a CDL.
- Vehicles that are older than model year 2000, as reflected on the vehicle's identification number as shown on the registration.
- Drivers who are required to complete paper records of duty status eight (8) days or fewer in any 30-day period.

Electronic Logging Device (ELD)



Sec. 132 of Title I of Division L of the “Consolidated Appropriations Act, 2018”

- Prohibits enforcement of the requirement for an electronic logging device by livestock transporters.
- This provision is effective from March 23 to September 30, 2018, unless extended by Congress.
- The section defines “livestock” as in the Emergency Livestock Feed Assistance Act of 1988 and insects.

Electronic Logging Device (ELD)



Recording hours of service when transporting an agricultural commodity

Option 1

A driver can operate within the 150-air mile radius without logging into the ELD, and then log into the ELD once the vehicle reaches the 150-air mile radius limit. Driving time within the 150-air mile radius will be identified on the ELD as “unidentified driving” time. The driver will reject the unidentified driving time on the ELD and the motor carrier must annotate the ELD data to explain that the “unidentified driving” time occurred while operating under an agricultural HOS exemption.

Option 2

The driver can log into the ELD when coming on duty and identify the time operating within the 150-air mile radius with an ELD annotation stating that the vehicle was operating under an agricultural HOS exemption.

Option 3

If authorized by the motor carrier, the driver can log into the ELD when coming on duty and identify the time operating within the 150 air-mile radius as authorized personal use (personal conveyance). A driver operating a CMV under the authorized personal conveyance provision must select on the ELD the personal conveyance driving category before the start of the status and deselect when the indicated status ends.



Electronic Record of Duty Status (eRODS)

File FMCSA Help

Click on the buttons below to show/hide ELD events

Change in Duty Status
 Intermediate Log
 PC/YM
 Engine Power
 Login/Logout

MN 1 2 3 4 5 6 7 8 9 10 11 Noon 13 14 15 16 17 18 19 20 21 22 23 Total Hours

Off Duty 13:59:59
 Sleeper Berth 00:00:00
 Driving 10:00:00
 On Duty 00:00:00

Other Event

All Events Potential Violations CMVs ELD Users

Date	Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
03/20/2018	06:00:00	2mi NW NE Heun	12,580	123.5	Intermediate log	ELD
03/20/2018	07:00:00	IL Galesburg	12,640	124.5	Off-duty	ELD
03/20/2018	07:00:00		12,925	127.5	Logout	ELD
03/20/2018	07:00:00	IL Galesburg	12,640	124.5	Driving (Unidentified)	ELD
03/20/2018	08:00:00	IL East Peoria	12,700	125.5	Intermediate log (Unidentified)	ELD
03/20/2018	09:00:00	IL Broadwell	12,760	126.5	Driving	ELD
03/20/2018	09:00:00		14,450	129.5	Login	ELD
03/20/2018	09:00:00	IL Broadwell	12,760	126.5	On-duty, not driving (Unidentified)	ELD
03/20/2018	10:00:00	1mi S IL Champaign	12,820	127.5	Intermediate log	ELD

Event Detail

Type: Driver's duty status changed to "Driving"

Date/Time: 03/20/2018 07:00:00, CDT (UTC-5)

Location: IL Galesburg

Location Coordinates: 40.95, -90.37

Record Origin: Automatically recorded by ELD

Record Status: Active

Sequence #: 9349

Malfunction: No

Data Diagnostic: No

Unidentified Driver: Yes

Annotations

Ag. Exemption - Operating within 150 air-mile radius 7-9am (DSMITH)

CMV

Power Unit #: 159045

VIN: 4V4MC9GF67N397190

Elapsed Engine Hours: 4

Accumulated Vehicle Miles: 240

Total Engine Hours: 124.5

Total Vehicle Miles: 12640



Electronic Record of Duty Status (eRODS)

File FMCSA Help

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Change in Duty Status
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 Engine Power
 Login/Logout

Date	Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
03/20/2018	06:00:00	2mi NW NE Heun	12,580	123.5	Intermediate log	ELD
03/20/2018	07:00:00	IL Galesburg	12,640	124.5	Intermediate log	ELD
03/20/2018	08:00:00	IL Broadwell	12,760	126.5	Intermediate log	ELD
03/20/2018	09:00:00	IL Broadwell	12,760	126.5	Intermediate log	ELD
03/20/2018	10:00:00	1mi S IL Champaign	12,820	127.5	Intermediate log	ELD
03/20/2018	11:00:00	IN Waynetown	12,880	128.5	Intermediate log	ELD
03/20/2018	12:00:00	IN Indianapolis	12,940	129.5	Intermediate log	ELD
03/20/2018	13:00:00	1mi ESE VA Richmond	13,000	130.5	Intermediate log	ELD
03/20/2018	14:00:00	OH Springfield	13,060	131.5	Intermediate log	ELD

Event Detail		CMV	
Type:	Intermediate log with contentional location precision	Power Unit #:	159045
Date/Time:	03/20/2018 07:00:00, CDT (UTC-5)	VIN:	4V4MC9GF67N397190
Location:	IL Galesburg	Elapsed Engine Hours:	4
Location Coordinates:	40.95, -90.37	Accumulated Vehicle Miles:	240
Record Origin:	Automatically recorded by ELD	Total Engine Hours:	124.5
Record Status:	Active	Total Vehicle Miles:	12640
Sequence #:	09D7	User	
Malfunction:	No	Name:	David Smith
Data Diagnostic:	No	Type:	Driver
Unidentified Driver:	No	Annotations	
Ag. Exemption - Operating within 150 air-mile radius 7-9am (DSMITH)			



Electronic Record of Duty Status (eRODS)

File FMCSA Help

Record of Duty Status

Click on the buttons below to show/hide ELD events

Change in Duty Status
 Intermediate Log
 PC/YM
 Engine Power
 Login/Logout

Date	Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
03/20/2018	05:00:00	1mi N IA West Cedar Rapids	12,520	122.5	Intermediate log	ELD
03/20/2018	06:00:00	2mi NW NE Heun	12,580	123.5	Intermediate log	ELD
03/20/2018	07:00:00	IL Galesburg	12,640	124.5	Off-duty	ELD
03/20/2018	07:00:00		12,925	127.5	Logout	ELD
03/20/2018	07:00:05	IL Galesburg	12,641	124.5	PC	ELD
03/20/2018	08:00:00	IL Broadwell	12,760	126.5	Intermediate log	ELD
03/20/2018	09:00:00	IL Broadwell	12,760	126.5	Driving	ELD
03/20/2018	09:00:00		14,450	129.5	Login	ELD
03/20/2018	09:00:05	IL Broadwell	12,761	126.5	PC/YM Cleaed	ELD

Event Detail

Type: Driver indicates "Authorized Peronsal User of CMV"

Date/Time: 03/20/2018 07:00:05, CDT (UTC-5)

Location: IL Galesburg

Location Coordinates: 40.95, -90.37

Record Origin: Automatically recorded by ELD

Record Status: Active

Sequence #: 09D7

Malfunction: No

Data Diagnostic: No

Unidentified Driver: No

CMV

Power Unit #: 159045

VIN: 4V4MC9GF67N397190

Elapsed Engine Hours: 4

Accumulated Vehicle Miles: 241

Total Engine Hours: 124.5

Total Vehicle Miles: 12641

User

Name: David Smith

Type: Driver

We're here for you when you have questions!

- For questions on Agricultural Operations or the Agricultural Federal Register Notice please click [here](#) or email us at agricultural@dot.gov .



THANK YOU