



ELD Mandate

PayneWest Insurance Loss Control

ELD Mandate

- ◆ In 2012, the US Congress enacted the “Moving Ahead for Progress in the 21st Century” bill (MAP-21)
 - Outlined criteria for highway funding
 - Included a provision requiring the FMCSA to develop a rule mandating the use of Electronic Logging Devices (ELDs)
- ◆ ELDs are used to electronically record a driver’s Record of Duty Status, which replaces the paper logbooks some drivers currently use to record their compliance with the Hours of Service (HOS) requirements.

Objectives

- ◆ ELD Systems and Requirements
- ◆ Mandate Timeline
- ◆ Exemptions
- ◆ Harassment
- ◆ Making the Transition
- ◆ Auditing
- ◆ Pros/Cons of ELDs
- ◆ Benefits in Safety/Efficiency & Compliance

ELD System

- ◆ A system that produces a Record of Duty Status based on driver entries, and validated by engine and GPS data.



In-Cab Requirements

- ◆ All portable devices must be mounted in the vehicle, within the driver's view while sitting in the driver seat.
- ◆ When the vehicle is in operation, the driver must have with him/her:
 - Records for the current day and the previous 7 days in the ELD
 - A user's manual
 - An instruction manual
 - A supply of blank paper logs
- ◆ If the device fails, the driver will need to manually log the current day and reconstruct the previous 7 days, or have records from the carrier showing the previous 7 days

Data Capture

- ◆ The ELD must automatically capture a “data set” at vehicle startup and shutdown, at all duty changes, once per hour while the vehicle is in operation, and when entering or ending a “special driving period.”
- ◆ The data set must include:
 - Date & time
 - Location (accurate w/in 1 mile normal operation, 10 for personal use)
 - Engine hours
 - Vehicle miles
 - Driver
 - Vehicle
 - Carrier

Duty Changes & Driver Entries

- ◆ When the vehicle stops, the default duty change will be on duty, not driving.
 - After 5 minutes the device will prompt the driver for a duty change
 - All non-driving duty changes must be entered by the driver
- ◆ Special Driving Categories:
 - Personal Use – off duty (watch for misuse)
 - Yard Time – Used when driver is driving off public roadways
- ◆ Edits:
 - Drivers are able to enter missing information and make edits to records
 - Supervisors can request edits but drivers must approve
 - Edits must include an explanation of why the change was made

Roadside Inspections

- ◆ Drivers will need to be able to present a device or a printout showing the current day and the previous 7 days to the inspector.
- ◆ Driver must be able to provide an electronic record if requested using one of the following methods:
 - Telemetric: electronically transfer data to an authorized official on demand via wireless web services and email, OR
 - Local Transfer Method: transfer data to an authorized official on demand via USB and Bluetooth
- ◆ Driver must keep paper logs if ELD is inoperable

Not an ELD or AOB RD

- ◆ Many apps and devices are NOT compliant as AOB RDs and will not qualify as ELDs
 - Laptop programs
 - Downloaded apps
 - > Not tethered to engine
- ◆ Programs must be able to print logs on demand
- ◆ Only devices on the list of approved devices published by the FMCSA can be installed and used.
 - To get on the list, vendors must be certified by the FMCSA

The Mandate

- ◆ Published Dec. 16, 2015
- ◆ Effective Feb 16, 2016
- ◆ Affects 3.4 million drivers
- ◆ Two year implementation
- ◆ Covers ELD use, technical specs, supporting documents, driver harassment



TIMELINE

DEADLINE	REQUIREMENT
2/16/16	<ul style="list-style-type: none">• ELD rule took effect• List of certified ELDs posted• Drivers may use paper logs, logging software, AOBDRS, or certified ELDs• No harassment thru ELDs
12/18/17	<ul style="list-style-type: none">• Mandatory ELD use• Supporting documents
12/16/19	AOBRD users must use ELDs

Required to ELDs

- ◆ Commercial Motor Vehicle (CMV) drivers:
 - Involved in INTERSTATE commerce
- ◆ CMV defined in 390.5:
 - 10,001 pounds or more
 - Placarded hazmat
 - Designed or used to transport 16 or more passengers not for compensation
 - Designed or used to transport 9 or more passengers for compensation



Who is exempt?

- ◆ Drivers entirely exempt from HOS and logs
- ◆ Drivers who log infrequently
 - 100 air-mile radius drivers
 - Non-CDL 150 air-mile drivers
 - Intermittent drivers



Who is Exempt?

- ◆ “Infrequently” is < 8 days per 30 days
- ◆ ELDs required if not exempt from logs > 9 days in the last 30 consecutive day period
- ◆ Rolling period



Who is exempt?

- ◆ Driveaway-towaway operations
 - Driven vehicles is part of shipment being delivered
- ◆ Vehicles manufactured before model year 2000 (1999 & earlier)
 - Many vehicles manufactured before 2000 do not have an Electronic Control Module (ECM)
 - Must keep paper logs



Grandfathered

- ◆ Drivers using Automatic On-Board Recording Devices (AOBRDs) by Dec. 17, 2017
- ◆ Must comply with 395.15
- ◆ May continue using the AOBRD until Dec. 16, 2019



NOT Exempt

- ◆ Small fleets, owner/operators
- ◆ Pick-ups, other “small” vehicles
- ◆ Mechanics, supervisors
- ◆ Passenger carriers
- ◆ Leased or rented vehicles



Harassment and Privacy

- ◆ Due to concerns of driver harassment with the ELD rules, requirements were made pertaining to prevention of driver harassment and driver privacy.
- ◆ To provide drivers with the data they need to protect themselves in terms of compliance, FMCSA requires that they have access to HOS records upon request (6 months) and that their motor carrier maintain their records.
- ◆ Devices must have a mute button for off-duty and sleeper berth statuses.
- ◆ GPS must be set at 10 mile radius while vehicle is used for personal use, allowing less precise tracking when on personal time.
- ◆ Drivers must be able to edit non-drive segments of their log
- ◆ Drivers must review and reconcile any unassigned vehicle moves, not the carrier

Harassment / Coercion

HARASSMENT	COERCION
Use of ELD data in a way that knowingly results in a driver violating the HOS rules or driving while ill or fatigued.	Threat to withhold business, employment, or work opportunities from a driver to induce him/her to drive, despite driver's assertion that it would violate rules.

CIVIL PENALTIES OF UP TO \$16,000

Making the Transition

- ◆ Prepare for the transition
 - Select an ELD System
 - System implementation considerations
 - Pilot systems with select drivers
- ◆ Train employees
 - Drivers
 - Dispatchers
 - Compliance Reviewers/Auditors
- ◆ Develop Policies & Procedures
 - Repair & replacement issues
 - Corrections
 - Discipline

Auditing

- ◆ Auditors will be looking for “abnormalities” in data
- ◆ Auditors will investigate any potential violation the data is showing
 - Over hours – Breaks? Use exceptions? Over daily limits?
 - Unassigned events – Dispatch & payroll records, mileage reports
 - Missing logs – Was driver under dispatch? Was vehicle moving?
 - Missing miles – Vehicle miles do not match other reports
 - Jumping locations – Ends day in one location, starts in another
 - Edits
 - Frequency
 - Nature of edits
 - Patterns
 - Compare edited time to dispatch, trip, payroll and expense reports

Myths

- ◆ ELDs will put owner/operators out of business
- ◆ ELDs require driver interaction while driving (distraction)
- ◆ ELDs automatically report violations to enforcement
- ◆ ELDs can shut down your truck
- ◆ ELDs cut into profit margins
- ◆ Only large fleets will be required to use ELDs
- ◆ Drivers hate ELDs and will quit

PROS & CONS

◆ Cons:

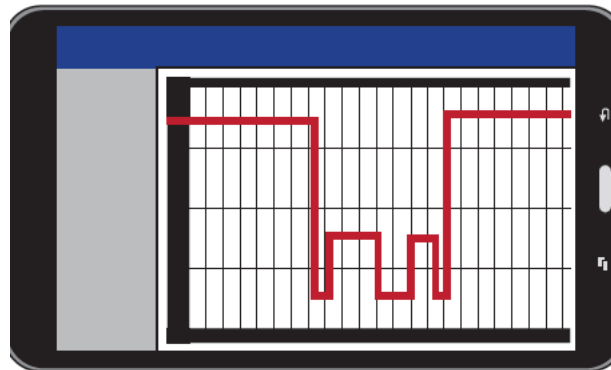
- Cost
- Implementation demands
- Learning curve
- Loss of privacy – uses GPS tracking

◆ Pros:

- Accuracy
- On-duty, non driving time tracking
- Less paperwork – more accurate
- Faster compliance checks
- Return on Investment

Safety & Efficiency Improvements

- ◆ Reduce paperwork burden on fleet managers and drivers
- ◆ Save on paperwork costs
- ◆ Minimize exposure to HOS violations (\$250 - \$11,000)
- ◆ Drivers can be alerted when on-duty time is near
- ◆ Accurately account for on-duty and drive time



Benefits in Compliance

- ◆ “Results show a clear safety benefit for trucks equipped with e-logs.”
 - 53% lower driving-related HOS violation rate
 - 49% lower non-driving-related HOS violation rate
 - 11.7% reduction in total crash rate
 - 5.1% reduction in “preventable” crash rate

Evaluating the Potential Safety Benefits of Electronic Hours-of-Service Recorders, - A study by Virginia Tech Transportation Institute (VTTI)

2015 Top HOS Violations

Section	Description	Violations	Severity
395.8	Form/manner violation	161,432	1
395.8(f)(1)	Log not current	72,300	5
395.3(a)(3)(ii)	30-minute break	68,925	7
395.3(a)(2)	Driving after 14-hour limit	42,357	7
395.8(e)	False log	34,188	7
395.8(k)(2)	Failing to retain logs	26,953	5
395.8(a)	No log	26,084	5
395.3(a)(3)	Driving after 11-hour limit	23,283	7
392.2H	State/local hours of service	5,976	7
395.15(g)	AOBRD info not available	5,032	1

Many violations can be eliminated with ELDs



QUESTIONS?