



## New Guidance on Hours-of-Service for Agricultural Commodity Drivers

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The Federal Motor Carrier Safety Administration (FMCSA) could require you to follow certain regulations as to your hours-of-service, including the Electronic Logging Device (ELD) rule. The hours-of-service regulation limits the number of hours you can drive consecutively. The ELD rule requires drivers to electronically log their driving hours.

The FMCSA has provided exemptions from these regulations for some drivers. Specifically, agricultural commodity drivers are exempted from these regulations, so long as they comply with certain distance requirements. Agricultural commodities include nonprocessed food, feed, fiber, livestock, or insects.

The exemption has led to some confusion for agricultural commodity drivers as to how to determine a commodity's source and the consequences of driving beyond the distance limitations.

### **Do the Hours-of-Service Apply to You?**

Under the agricultural commodity exemption, drivers transporting agricultural commodities within 150 air-miles of their source are not required to comply with the hours-of-service requirements. The exemption applies to all portions of a trip within the 150 air-miles radius of the source, including when the vehicle is loaded or empty.

However, when drivers travel beyond the 150 air-miles from the source, they become subject to the hours-of-service regulations. When calculating the hours-of-service, the hours a driver accumulates while driving within the 150 air-mile radius do not count towards the hours-of-service limitations.

### **How to Determine a Commodity's "Source" for Hours-of-Service**

The exemption generated longstanding questions as to the definition of "source" for an agricultural commodity. Determining a commodity's source is important in calculating the 150 air-mile radius. The guidance

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illustrated that a commodity's source could be the originating farm or ranch or the intermediate storage and loading facilities, such as grain elevators or sale barns.

In some instances, an agricultural commodity may have several sources. For example, grain loaded from several different grain elevators during a single trip could raise the question as to which grain elevator would be considered the source. In this example, the source would be the first loading point.

**The Electronic Logging Device Requirement**

Drivers utilizing the agricultural commodity exemption for hours-of-service are also exempted from the electronic logging device (ELD) requirement as long as they do not operate outside the 150 air-mile radius for more than eight days out of the month.

If you have questions about how the hours-of-service regulation applies to your agricultural transportation needs, contact Dirk Beckwith at 248.539.9918 or at [dbeckwith@fosterswift.com](mailto:dbeckwith@fosterswift.com).