



Safety Management Council Regulatory Update



ELD

Electronic Logging Devices



In Vehicle Information

- User manual describing how to operate the ELD/AOBRD
- Card should indicate if it is an ELD or AOBRD
- An adequate supply of blank RODS sufficient to record duty status and related information
- **THIS CAN BE ELECTRONIC IN NATURE (ELD FAQ Document)**



Texas Adoption of ELD

- ELD mandate is in effect for interstate operations (unless exempted)
- ELD use is allowed but not required for intrastate operations
- Effective December 16, 2019, ELD use will be required intrastate (unless exempted)



Personal Conveyance (PC) Update



- Personal conveyance is the movement of a commercial motor vehicle (CMV) for personal use while off duty. A driver may record time operating a CMV for personal conveyance as **off-duty** only when the driver is relieved from work and all responsibility for performing work by the motor carrier.
- Focus on the purpose of the movement



- Personal conveyance is not new, this updates the 1998 guidance.
- Does not establish a mileage restriction on personal conveyance
- Does not alleviate the responsibility of the motor carrier and driver from operating the CMV safely
- Driver and vehicle are still subject to the regulations



Question 26: Under what circumstances may a driver operate a CMV as personal conveyance?



May record PC time as off-duty when the driver is relieved from work and all responsibility for performing work by the motor carrier.



CMV may be laden since the load is not being transported for the commercial benefit of the carrier.



Carriers may establish PC policies either within the scope of the guidance or more restrictive including a mileage limit.



Qualifies as PC

Examples Provided in the Guidance

Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.



Qualifies as PC

May record PC time as off-duty when the driver is relieved from work and all responsibility for performing work by the motor carrier.



Qualifies as PC

Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence.

In these scenarios, the commuting distance combined with the release from work and start to work must allow the driver to obtain rest (8/10 hours)



Qualifies as PC

Time spent traveling to a nearby, reasonable, safe location to obtain rest after loading or unloading.

The time driving under PC must allow the driver to obtain required rest

The resting location must be the first such location reasonably available



Qualifies as PC

Moving a CMV at the request of a safety official during a driver's off-duty time



Qualifies as PC

Time spent traveling in a motorcoach without passengers to en route lodgings



Qualifies as PC

Time spent transporting personal property while off-duty



Qualifies as PC

Authorized use of a CMV to travel home after working at an offsite location.



Examples That Do Not Qualify as PC



Does Not Qualify as PC

Movement to enhance the operational readiness of the motor carrier.

Such as bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled carrier destination



Does Not Qualify as PC

After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the carrier to pick up another towed unit.



Does Not Qualify as PC

Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load.

Repositioning a CMV (tractor or trailer) at the direction of the motor carrier.



Does Not Qualify as PC

Time spent driving a passenger carrying CMV while passengers are on board.



Does Not Qualify as PC

Time spent transporting a CMV to a facility to have maintenance performed.



Does Not Qualify as PC

After being placed OOS for exceeding the max periods permitted under part 395, time driving to a location to obtain rest, unless so directed by an enforcement officer at the scene.



Does Not Qualify as PC

Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.



Does Not Qualify as PC

Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.



FMCSA Enforcement Memo

On May 30, 2018 FMCSA issued an enforcement memo to Federal and State safety officials

This memo stated that enforcement should consider two main questions in determining PC during a roadside inspection



FMCSA Enforcement Memo

- Is the driver relieved from all work responsibilities by the motor carrier?
- Are the trip and destination personal in nature?

If the answer is yes for both questions, the trip is likely an appropriate use of the CMV for PC



PC Enforcement

- Drivers are still subject to inspection when they are in personal conveyance
- All other regulatory requirements apply to a driver and the truck when operated under personal conveyance (maintenance, driver qualification, including possession of alcohol, etc.)



PC Enforcement

- **If stopped for inspection, the driver will need to go into on-duty/not-driving status**
- Fueling, trip inspections, etc. must be logged as on-duty/not driving during a personal conveyance
- Cannot be used to extend a day
- Cannot be used to forward the load



Agricultural Guidance

There are three main areas of concern

- Operating empty within the 150 air-miles radius
- Operating beyond the 150 air-miles radius
- Determining the source



395.1 Question 34

Does the Ag commodity exemption (395.1(k)) apply to drivers while driving unloaded within 150 air-miles of the place where the agricultural commodity will be loaded and returning unloaded?



Yes, provided that the trip does not involve transporting any non-agricultural commodity and the sole purpose is to make a pick-up or delivery of Ag commodities.

In that case, driving and on-duty time are not limited, nor do other requirements of Part 395 apply.



395.1 Question 35

Does the agricultural commodity exception apply if the destination for the commodity is beyond the 150 air-miles radius from the source?



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 Question 36

How is the “source” of the Ag commodities in 395.1(k) determined?



The source is determined as the point at which an Ag commodity is loaded onto an unladen CMV.

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.



A new source can be established once all of the original commodities have been unloaded.



395.1 Question 37

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



Use of Registered Weight

On June 1, 2018 TXDPS published a rule change that removed the use of “registered weight” in determining the applicability of the Federal Regulations



Only GVWR or actual weight can be used, whichever is the highest

A DataQ should be considered for any vehicle(s) that have been placed under the Federal Regulations by registered weight only since June 1, 2018



TXTA members are encouraged to reach out to the association for assistance with regulatory questions