



# Introduction to the Electronic Logging Device Rule and Implementation Plan

June 2016





# Purpose

- Major components of the ELD Rule
- ELD Implementation Phases
- ELD Specifications
- Supporting Documents
- Harassment Prohibition
- Coercion Rule





# Major Components of ELD Rule

- Requirements for the mandatory use of ELDs by most drivers currently required to prepare Record of Duty Status (RODS)
- Minimum performance and design standards (Technical Specifications) for ELDs
- Requirements for Hours of Service (HOS) supporting documents
- Measures to prevent harassment through the use of ELDs





# Who is required to use an ELD?

- Interstate CMV drivers currently required to keep RODS
  - Subject to requirements in 49 CFR 395
- CMVs defined in 49 CFR 390.5
  - $\geq 10,001$  pounds
  - Placarded hazmat
  - More than 8 or 15 passengers





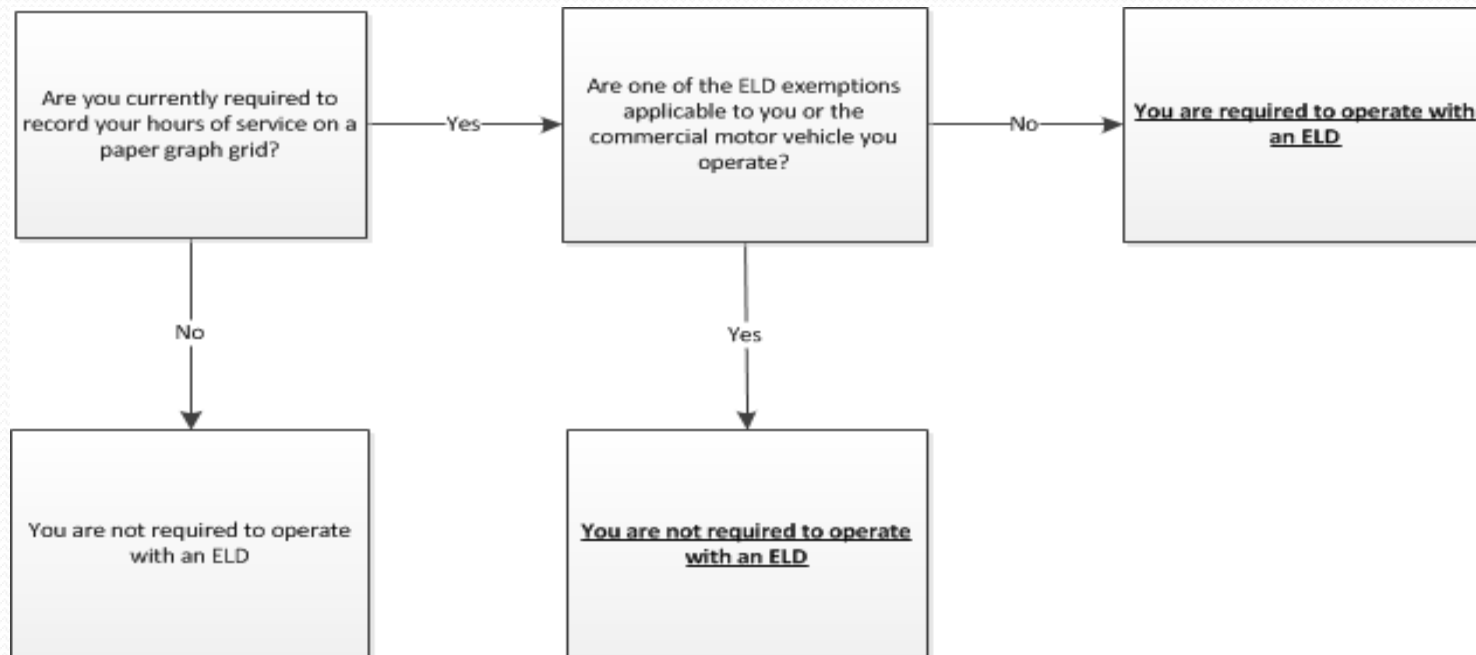
# Exemptions

- 100 air-mile radius drivers may continue to use timecards, as allowed by §395.1(e)(1)
- 150 air-mile radius non-CDL freight drivers may continue to use timecards, as allowed by §395.1(e)(2)
- Using paper RODS for not more than 8 days during any 30-day period
- Conducting “drive away-tow away” operations
- Driving vehicles manufactured before model year 2000





# Still Unsure on If You Need an ELD?





# ELD Implementation Phase 1

Awareness and Transition Phase

**February 16, 2016–December 18, 2017**





# Important Dates

- Registration and voluntary use of ELDs begins 60 days after the ELD Rule is published  
(February 16, 2016)
- Compliance date is 2 years after ELD Rule is published  
(December 18, 2017)
- AOBRDs must be upgraded or replaced with ELDs within 4 years of the publication of the Final Rule  
(December 16, 2019)
  - I.e., AOBRDs compliant with § 395.15 that were installed before the compliance date could be used (grandfathered) for 2 years after the compliance date







# Phase 1: Awareness and Transition

- System providers register and certify their ELDs
- Motor Carriers can choose to voluntarily use ELDs, AOBRDs, or Devices with Logging Software Programs versus paper logs for RODS
- Authorized safety officials need to distinguish the different types of devices and cite the appropriate regulation or guidance for enforcement purposes
- Harassment Legal Procedures





# Comparing the 3 Devices

	<b>AOBRDs</b>	<b>Devices Installed with Software</b>	<b>ELDs</b>
<b>Integrally Synchronized</b>	Yes	No	Yes
<b>Automatic Recording of HOS</b>	Yes	No	Yes
<b>Technical Specifications</b>	Limited	No	Yes
<b>Registered with FMCSA</b>	No	No	Yes*

\*To see the list of ELDs registered with FMCSA, go to:

<https://www.fmcsa.dot.gov/hours-service/elds/equipment-registration>





# Automatic On-Board Recording Device (AOBRD) and Device with Logging Software and Applications

- AOBRD (49 CFR § 395.2)
  - Integrally Synchronized
  - Automatically records drivers driving status
- Device with Logging Software and Application
  - Not Integrally Synchronized
  - Manually input driving duty status
  - Logging Software Regulatory Guidance: 79 FR 39342





# What is an ELD?

- A device that:
  - Automatically records a driver's driving time
  - Facilitates the accurate recording of the driver's HOS
  - Meets the technical specifications of the ELD rule
  - Is integrally synchronized with the engine of the commercial motor vehicle (CMV)





# Minimum Technical Standards

- Generally based on performance – maximize flexibility, minimize cost
- Standard outputs for a consistent enforcement
- Include minimum output requirements for electronically transferred, displayed, and printed ELD information and output
- Appendix A to Subpart B of Part 395





# Engine Synchronization

- Integral synchronization to the engine control module (ECM)
- Monitoring of the vehicle's engine operation to automatically capture:
  - Engine's power status
  - Vehicle's motion status
  - Miles driven
  - Engine hours





# Automatically Recorded Data

- Date
- Time
- CMV Geographic Location Information
- Engine Hours
- Vehicle Miles
- Driver or Authenticated User Identification
- Vehicle Identification
- Motor Carrier Identification





# ELD Event Data Recordings

- Engine power up and shut down
- Driver login/logout
- Duty status changes
- Personal use or yard moves
- Certification of driver's daily record
- 60-minute intervals when the vehicle is in motion
- Malfunction of diagnostic events







# Geolocations

- CMV Geographic Location Information
- Show a nearby city, town, or village, or the compass direction and distance from the nearest city, town, or village
- During on-duty driving periods, the location accuracy is approximately within a 1-mile radius
- When a CMV is used for personal use, the position reporting accuracy is approximately within a 10-mile radius





# Manual Inputs

- Motor carriers – User account setup
  - Drivers
  - Support personnel (mechanics, dispatch, etc.)
- Drivers
  - Annotations, when applicable
  - Location description, when prompted by the ELD
  - CMV power unit number
  - Trailer number(s), if applicable
  - Shipping document number, if applicable





# Data Diagnostics and Malfunctions

- ELD identifies data diagnostics and malfunctions with status as either “detected” or “cleared” for:
  - Power
  - Engine Synchronization
  - Timing
  - Positioning
  - Data Recording
  - Data Transfer
  - Unidentified Driver Records





# What to Expect at Roadside

ELD Record of Duty Status





# ELD Record of Duty Status

- It is required that RODS be shared in one of two ways at roadside (choice of the driver or motor carrier):
  - Printout (not all ELDs provide)
  - Screen display visible to enforcement at a reasonable distance
- Acceptance of data via fax, email or other method of transmission is at the discretion of the inspector.



# ELD Information included in Daily Header

- 24-Hour Period Starting Time
- Carrier Name/**USDOT #**
- Driver Name **and ID**
- **Driver's License #**
- **Driver's License State**
- Co-Driver Name **and ID**
- Current Location
- **Data Diagnostic Indicators**
- **ELD Malfunction Indicators**
- **ELD Manufacturer Name**
- **ELD Registration ID**
- **Unidentified Driver Records**
- **Exempt Driver Status**
- Miles Today
- **Print/Display Date**
- Record Date
- Shipping ID
- **Current Engine Hours**
- **Current Odometer**
- **Time Zone**
- Truck Tractor ID **and VIN**
- Trailer ID

*\*\*ELD Additions  
shown in red\*\**



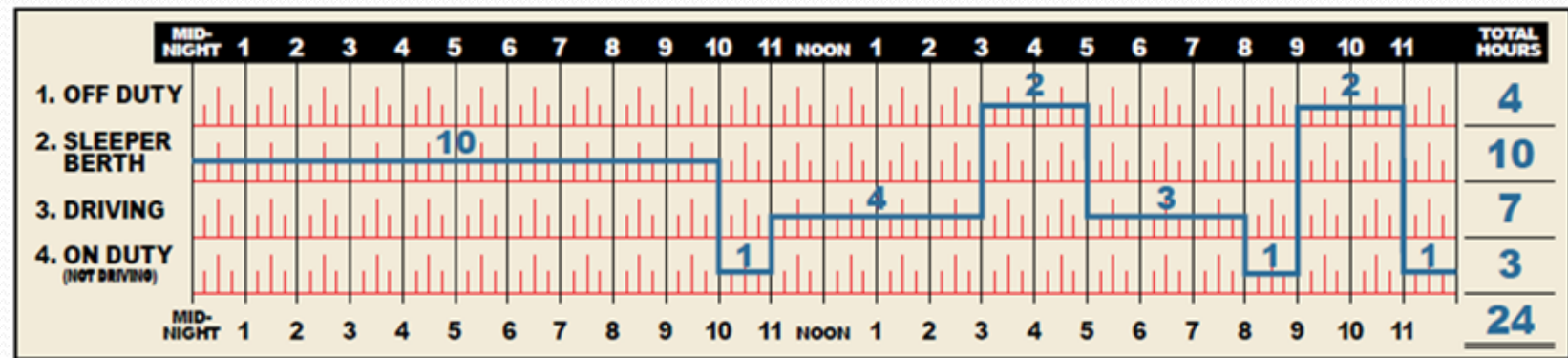
# ELD Information – Daily Header

<i>Record Date</i>	<i>USDOT #</i>	<i>Driver License Number</i>	<i>Driver License State</i>	<i>ELD ID</i>	<i>Trailer ID</i>
20-Nov-14	123456789	D000368210361	IL	987654	Unit #
<i>Time Zone</i>	<i>Driver Name</i>	<i>Co-Driver Name</i>	<i>ELD Manufacturer</i>	<i>Shipping ID</i>	<i>Data Diagnostic Indicators</i>
CST	Smith, Richard		Acme ELDs	BL1234567890	No
<i>24 Period Starting Time</i>	<i>Driver ID</i>	<i>Co-Driver ID</i>	<i>Truck Tractor ID</i>	<i>Unidentified Driver Records</i>	<i>ELD Malfunction Indicators</i>
Midnight	1234567		Unit #	No	No
<i>Carrier</i>	<i>Start End Odometer</i>	<i>Miles Today</i>	<i>Truck Tractor VIN</i>	<i>Exempt Driver Status</i>	<i>Start End Engine Hours</i>
Acme Trucking	39564 - 39984	420	1M2P267Y5AM022445	No	758.2-765.7
<i>Current Location</i>		<i>File Comment</i>		<i>Print/Display Date</i>	
6 mi. NE North Auburn, CA				20-Nov-14	





# 24-hour Duty Status Grid







# ELD Detail Log Data

Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
20-Nov-14					
0:00	49 mi NNE Fallon, NV	39564	758.2	SB	Driver
10:00	49 mi NNE Fallon, NV	39564	758.2	Login	Driver
10:00	49 mi NNE Fallon, NV	39564	758.2	ODND	Driver
10:52	49 mi NNE Fallon, NV	39564	758.2	Power Up	Auto
11:00	49 mi NNE Fallon, NV	39564	758.2	Driving	Auto
12:00	2 mi E Fernley, NV	39624	759.3	Int Location	Auto
13:00	7 mi NNE Truckee, CA	39684	760.3	Int Location	Auto
14:00	6 mi SSE Meadow Vista, CA	39744	761.3	Int Location	Auto
15:00	3.5 mi SW Davis, CA	39804	762.3	Off Duty	Driver
17:00	3.5 mi SW Davis, CA	39804	762.3	Driving	Auto
18:00	1 mi E Emeryville, CA	39864	763.4	Int Location	Auto
19:00	4 mi SSW Univ. of California, CA	39924	764.4	Int Location	Auto
20:00	6 mi NE North Auburn, CA	39984	765.5	ODND	Driver
21:00	6 mi NE North Auburn, CA	39984	765.7	Off Duty	Driver
23:00	6 mi NE North Auburn, CA	39984	765.7	ODND	Driver
23:58	6 mi NE North Auburn, CA	39984	765.7	Cert	Driver
23:58	6 mi NE North Auburn, CA	39984	765.7	Logout	Driver



# Supporting Documents





# Supporting Documents: Definition

“A document, in any medium, generated or received by a motor carrier in the normal course of business as described in 395.11 that can be used, as produced or with additional identifying information, by the motor carrier and enforcement officials to verify the accuracy of a driver’s record of duty status.” [§ 395.2]





# Supporting Documents: Data Elements

- Driver name (or carrier-assigned ID)
  - Can be vehicle unit number if that number can be linked to the driver
- Date
- Location (including the name of nearest city, town or village)
- Time





# Supporting Documents: Categories

1. Bills of lading, itineraries, schedules, or equivalent with the origin and destination of each trip
2. Dispatch records, trip records, or equivalent
3. Expense receipts related to on-duty (not driving) periods
4. Electronic mobile communication records
5. Payroll records, settlement sheets, or equivalent





# Supporting Documents: Number

- Retain maximum of 8 documents per 24-hour duty day
- If more than 8 documents are submitted per day, must retain first and last document of day
- If fewer than 8 documents are submitted, a document that contains all of the elements except “time” is considered a supporting document
- If a driver does not use an ELD, all toll records must be retained
  - Toll receipts do not count toward the 8-document cap





# Supporting Documents: General

- Must be retained for 6 months
- Must be submitted within 13 days
- Must be able to be matched to RODS
- Cannot be destroyed, defaced, or altered
- Driver must make supporting documents in his/her possession available to authorized Federal, State, or local official upon request





# Harassment and ELDs







# Harassment: Definition

- Harassment is action taken by a motor carrier that the carrier knew (or should have known) would result in a driver violating the Hours of Service (HOS) rules [49 CFR 392.3 or 49 CFR 395].
- The carrier's action must be based on information from an ELD or other technology used in combination with an ELD.
- A carrier who harasses a driver will receive a penalty for harassment in addition to the HOS violation.





# Harassment: Technical Changes

- Mute function ensures a driver is not interrupted in the sleeper berth
- Anti-tampering provisions:
  - Limited ability to edit ELD records for both drivers and motor carriers
  - Required driver approval when a carrier edits an ELD record
  - Preservation of original ELD records, even when edited





# Harassment: Complaint Procedures

- A driver alleging a violation of harassment under 49 CFR § 390.36(b)(1) should file a written complaint:
  - No later than 90 days after the event
  - Using the National Consumer Complaint Database (<http://nccdb.fmcsa.dot.gov>)  
or
  - With the FMCSA Division Administrator for the State where the driver is employed (<http://www.fmcsa.dot.gov/mission/field-offices>)
- Written Complaint Helpline: 800-DOT-SAFT (800-368-7238)





# Harassment Complaint

1. Driver's signature
2. Driver's name, address, and telephone number
3. Name and address of the motor carrier allegedly harassing the driver
4. Statement of the facts to prove each allegation of harassment
  - a. How the ELD or other technology used with the ELD added to harassment
  - b. Date of the alleged action
  - c. How the motor carrier's action violated either 49 CFR 392.3 or 49 CFR 395
5. May include supporting evidence





# The Prohibiting Coercion of Commercial Motor Vehicle Drivers (The Coercion Rule)





# What is Coercion?

The act of coercion only exists if:

- A requested task that would result in the driver violating the FMCSRs, Hazardous Materials Regulations, or FMCCRs
- The driver informs the requester the violation that would occur if the requested task is performed
- The requester threatens or takes action against the driver's employment or work opportunities to get the driver to perform the task despite regulatory violation





# Who is Subject to the Rule?

- Targets:
  - motor carriers;
  - shippers;
  - receivers;
  - transportation intermediaries;
  - respective agents officers; and
  - representatives

that threaten drivers with loss of work or other adverse employment actions for refusing to operate a CMV in violation of certain provisions.





# What Regulations are Covered under the Rule?

- Certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs)
- Hazardous Materials Regulations
- Federal Motor Carrier Commercial Regulations







# Coercion: Complaint Procedures

- A driver alleging a violation of coercion under 49 CFR § 390.6(a)1 or (2) must file a written complaint:
  - No later than 90 days after the event
  - Using the National Consumer Complaint Database (<http://nccdb.fmcsa.dot.gov>)  
or
  - With the FMCSA Division Administrator for the State where the driver is employed (<http://www.fmcsa.dot.gov/mission/field-offices>)
- Written Complaint Helpline: 800-DOT-SAFT (800-368-7238)





# Coercion Complaint

1. Driver's signature
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3. Name and address of the motor carrier allegedly coercing the driver
4. Statement of the facts to prove each allegation of coercion:
  - a. Date of the alleged action
  - b. How the motor carrier's action caused the driver to violate a federal motor carrier safety regulation
5. May include supporting evidence





# Harassment vs. Coercion

Harassment	Coercion
ELD	No ELD
Motor Carrier	Applicable to Motor carriers and others
49 CFR § 390.36(b) Engaging in harassment of a driver as a primary violation	49 CFR 390.6(a)(1) Coercing a driver of a commercial motor vehicle to operate such vehicle in violation of 49 CFR parts 171-173, 177-180, 380-383 or 390-399, or 385.415 or 385.421 (to be used for violations of the FMCSRs and HMRs) ; or 49 CFR 390.6(a)(2) Coercing a driver of a commercial motor vehicle to operate such vehicle in violation of 49 CFR parts 356, 360, or 365-379 (to be used for violations of the FMCCRs) . (Motor Carriers only)
Requires a 49 CFR 392.3 or Part 395 as a secondary violations	





# Recap

- Major components of the ELD Rule
- ELD Implementation Phases
- ELD Specifications
- Supporting Documents
- Harassment Prohibition
- Coercion Rule





# Resources

- [www.fmcsa.dot.gov/elds](http://www.fmcsa.dot.gov/elds)
- <https://www.fmcsa.dot.gov/safety/coercion>

Public email address: [ELD@dot.gov](mailto:ELD@dot.gov)

