New federal trucking regulation won’t affect most local farmers

Agriculture did not become a major industry in this country until transportation infrastructure was put in place for farmers to deliver their excess production to markets off the farm.

Roads had to be built to deliver food to cities, and to shipping points for further delivery, such as rivers, canals, and rail.

Today, transportation is even more important for U.S. agriculture to be competitive with other countries in the world markets. Trucking is a major component of the transportation system, getting farm goods to their destination points.

Many local farmers use trucks to deliver grain from the farm to grain elevators and processing facilities.

Since trucking often crosses state lines, it is regulated by the federal government. Last December, a new “electronic logging device rule” was instituted by the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration, which requires interstate commercial haulers to use electronic technology that automatically records hours of service, in place of using paper logs.

The new rule was a result of a directive from Congress to the secretary of transportation to require electronic logging of interstate commerce trucking by drivers who are required to keep travel logs. The purpose of the rule was to make it easier and faster to track, manage, and share travel information.

Livestock and grain haulers were given a waiver until March 18 to implement the new regulation. The waiver was to allow the government more time to clarify the application of the new ruling to agriculture and where agriculture was exempted from the rule.

Agriculture groups have asked to continue the waiver, but the Department of Transportation has not responded to the request at this time. Also, there has been a bill introduced in Congress to delay the implementation of the regulation for agriculture haulers, but no action has been taken.

Peggy Hall, Ohio State University Extension agriculture and law resource specialist, summarizes the Federal Motor Carrier Safety Administration agriculture exemptions for the electronic logging device rule.

Exemptions include any truck that is considered a covered farm vehicle, which is defined as:
- Registered in a state with a plate or other designation where law enforcement can identify it as a farm vehicle.
- Operated by the owner or operator of a farm, or an employee or family member of the owner or operator.
- Used to transport grain, livestock, machinery, or supplies to or from a farm.
- Not used in for-hire motor operations.
- Vehicle weight is less than 26,000 pounds if traveling across state lines, unless interstate travel is within a 150 air-mile radius of the farm.
- Drivers who transport agricultural commodities, such as livestock, live fish, and bees within a 150 air-mile radius of the farm.
- After 150 miles, hours of service regulations kick in and an electronic log must be kept.
- Drivers transporting commercial bees or livestock in interstate commerce are exempt from the 30-minute break requirement when bees or livestock are on the vehicle.
- If the vehicle or a truck and trailer combined gross weight is equal to or more than 10,001 pounds and does not fit the previous exemptions, the driver does not have to follow the electronic log device rule if:
  - The driver operates within a 100 air-mile radius of the normal work reporting location and works no longer than 12 hours per day. This is the same exception that applies to preparation of a logbook.
  - Driver uses paper log records for no more than eight days in a 30-day reporting period.
  - Vehicle used is older than model year 2000.
  - Non-business transportation of horses and other animals.

The electronic log device rule does not apply to taking horses and other animals to shows and events, as long as the event is not business-related or for hire, even if prizes and scholarship money is offered.

Trucking of agriculture products will fall under the new electronic log device regulation after March 18 unless the Department of Transportation extends the waiver for the implementation date.

Regardless, most local farmers will not be affected because of exemptions, but long-distance agriculture haulers will need to follow the new rule.


To read Peggy Hall's complete article, go to https://farmoffice.osu.edu/blog/thu-03082018-527pm/ohio-agricultural-law-blog-march-18-might-be-new-date-complying-electronic

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