

➤ Review of the Federal Motor Carrier Safety Regulations & Farm and Agricultural Exemptions

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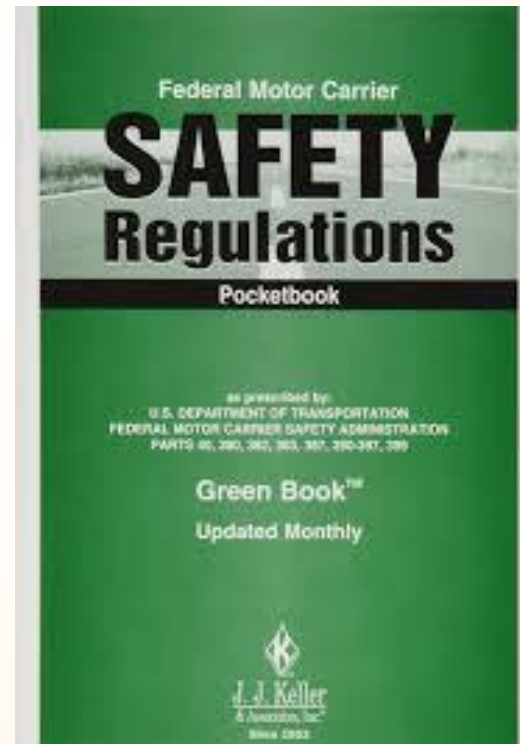
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Federal Motor Carrier Safety Regulations (FMCSR)



Parts of the FMCSR

- ▶ 382: Drug Testing
- ▶ 383: CDL
- ▶ 387: Insurance
- ▶ 390: General
- ▶ 391: Driver Qualifications
- ▶ 392: Driving / General
- ▶ 393: Parts and Accessories
- ▶ 395: Hours of Service
- ▶ 396: Vehicle Maintenance
- ▶ 397: Hazardous Materials Parking & driving *(Additional, very specific DOT regulations associated with hazmat are elsewhere)*



FMCSA / U.S. DOT Definition of a Commercial Motor Vehicle (CMV) transporting property

- ▶ The DOT Safety Regulations apply to a vehicle with a gross weight, gross weight rating, combination weight or combination weight rating of **at least 10,001#**, or any size vehicle with placarded hazmat, utilized in commerce.
- ▶ The CDL, Fuel Tax (IFTA), IRP and drug/alcohol testing requirements start at 26,001 #.



All states have adopted the FMCSR;
with some minor exceptions*

Commercial motor vehicle jurisdiction in
intrastate only commerce:

MA, NJ or NY only: 10,001 #

CT only: 18,001 #

PA only: 17,001 #

DE only: 26,001

* Age, some medical waivers and a few with additional air-mile
radius rule exceptions

Primary Farm and Agricultural Exemptions

- “Covered Farm Vehicle” (*Most far reaching exemption*)
- “Agricultural Operations”
- “Farm Vehicle Driver”

“Covered Farm Vehicle” 49 CFR 390.5

All must apply to utilize this exemption

- Vehicle is registered in a state **with a license plate, or other designation** that allows law enforcement officials to ID it as a farm vehicle
- Operated by the owner or operator of a farm, or an employee or family member of the farm owner
- Used to transport agricultural commodities, livestock, equipment or supplies to or from the farm
- **Not** used “for-hire” unless by a tenant pursuant to a crop share farm lease agreement

“Covered Farm Vehicle” cont.

Area of Operation (49 CFR 390.5)

- ▶ Vehicle with a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions in §390.39 anywhere in the United States; **or**
- ▶ Vehicle with a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions in §390.39 anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated

FARM Exemptions

49 CFR Part 390.39

Federal requirements: “**A covered farm vehicle,**” as defined in §390.5, **including the individual operating that vehicle,** is exempt from the following:

- ▶ Any requirement relating to commercial driver’s licenses (CDL) in 49 CFR **Part 383** or controlled substances and alcohol use and testing in 49 CFR **Part 382**;
- ▶ Any requirement in 49 CFR **Part 391**, Subpart E, Physical Qualifications and Examinations. (Exempt from medical cards)
- ▶ Any requirement in 49 CFR **Part 395**, Hours of Service of Drivers.
- ▶ Any requirement in 49 CFR **Part 396**, Inspection, Repair, and Maintenance.

Farm Exemptions...cont.

States determine who to issue FARM plates

Other Farm exemptions and exceptions.—The exemptions in 390.39 are in addition to, not in place of, the agricultural exemptions and exceptions in §383.3(d)(1), 383.3(e), 383.3(f), 391.2(a), 391.2(b), 391.2(c), 391.67, 395.1(e)(1), 395.1(e)(2), 395.1(h), 395.1(i), and **395.1(k)** of this chapter. *Motor carriers and drivers may utilize any combination of these exemptions and exceptions, providing they comply fully with each separate exemption and exception.*

Most states have adopted these exceptions for intrastate only operations (It's always prudent to verify the farm exceptions with your individual state. (Contact the commercial enforcement division of the State Police for specific clarification))

FMCSA regulations which apply to “Covered Farm Vehicle / Drivers”

- ▶ Part 390: DOT#, and some general requirements
- ▶ Part 392: Driving of CMV's
 - Ill or fatigued must not drive
 - No prohibited use of drugs or Alcohol (392.4, No alcohol within 4 hours)
 - Must follow local traffic laws
 - Driver must be able to safely operate the vehicle
 - Driver vehicle pre-trip inspection to ensure vehicle/s are in good working order
 - Emergency equipment (extinguisher and triangles)
 - Proper and Secured loads
 - No handheld phones or texting

Cont....FMCSA Applicable regulations to “covered farm vehicle / drivers”

- ▶ Vehicle Parts and Accessories for Safe Operation: **(Part 393)**
 - Brakes
 - Steering
 - Fuel systems
 - Wheels & tires
 - Lighting
 - Frames, Cargo securement
 - Misc. parts and accessories (wipers, horn, etc.)

“Agricultural Operations”

Exemptions 49 CFR 395.1(k)


Exemption ONLY applies to the hours of service rules

- ▶ **Agricultural operations.** The provisions of this part (*this pertains to part 395 only, which is the hours of service rules*) shall not apply during planting and harvesting periods, as determined by each State, to drivers transporting
- ▶ Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;
- ▶ Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; **or**
- ▶ Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.

Driver Qualification File Exemption (391.2)

“Farm Custom Operation, “Farm Vehicle Driver”, Bees

- ▶ **Farm custom operation.** The rules in this part, except prohibited mobile phone use, do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in **custom-harvesting operations**, if the commercial motor vehicle is used to—
 - ▶ Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
 - ▶ Transport custom-harvested crops to storage or market.
- ▶ **Certain “farm vehicle drivers” as defined in 390.5** The rules in this part, except for prohibited cell phone use, do not apply to a **straight truck farm vehicle driver**. For limited exemptions for farm vehicle drivers of articulated commercial motor vehicles, see §391.67. **There is no farm plate requirement**
- ▶ *Bee transport during seasonal operations*



PRIMARY DOT rules which apply at 10,001 #,
“single or combined weight” interstate *(If not
exempted)*

- ▶ US DOT number
- ▶ Driver Qualification Files *(Medical card and physical qualification)*
- ▶ Driver Logs / Driver time records / ELDs
- ▶ General driving and Operational rules
- ▶ Vehicle Maintenance requirements
- ▶ Hazardous materials rules
- ▶ Accident Register
- ▶ Parts and accessories
- ▶ Unified Carrier Registration (UCR) applies only to interstate vehicles over 10,000# (www.ucr.gov)



Additional rules which apply at over 26,000#

- ▶ Properly classed CDL
- ▶ Drug / Alcohol Testing
- ▶ Entry-Level training (hours of service, qualifications, wellness, whistleblower)
- ▶ Fuel Tax (IFTA)*
- ▶ International Registration Program (IRP)*

**IFTA and IRP APPLY to INTERSTATE ONLY*

Who requires a CDL?

- Gross single weight, or GVWR of at least 26,001 #
- Gross combination weight, or GCWR of at least 26,001 # inclusive of a towed unit of at least 10,001 #
- Any weight vehicle placarded for hazardous materials

25,000# straight truck + 9900# trailer = no CDL

16,000# straight truck + 10,001# trailer = CDL

Driver Qualification Files (Part 391)

- Medical card (*Verification on National Register*)
- Proper employment application
- Previous employer inquiries
- Copy of CDL, or proper Road Test
- State Motor Vehicle Report (*Initial and annually*)
- Driver's List of Violations / Annual Review
- Entry-level training certificate (*Part 380*)
- Applicable driver physical waivers



Entry-Level Training

Operators of CDL vehicles only


- ▶ Drivers with less than one year CDL experience at time of hire
- ▶ Drivers must undergo training in:
 - Hours of Service
 - Driver Qualifications
 - Whistleblower protection
 - Driver Wellness

Types of required Substance/Alcohol Tests

(Parts 382 & 40) Operators of CDL vehicles only

- ▶ Pre-employment test (*Prior to first dispatch*)
- ▶ Random: 25% Substance and 10% Alcohol
- ▶ Post accident test (*After certain DOT “recordable” crashes... “fatal, injury or tow”*)
- ▶ Reasonable suspicion (*Observed by a Trained supervisor*)
- ▶ Return to duty test (*After prohibited conduct*)
- ▶ Follow-up test

Must also have a written drug testing policy in place



Every driver **MUST** prepare a daily drivers' log unless they adhere to the 100 or 150 air mile radius exception

1. Daily time records listing time started, time ended and total time on duty
2. No more than 12 hours from start to finish (*CDL only*)
3. No more than 11 hours driving, done within 14 hours
4. 10 hours off between work days
5. Operates within 100 air-miles for CDL, or 150 air-mile for non-CDL, and returns to the work reporting location

“Over-the-road” driver’s log

DRIVER'S DAILY LOG
(24 HOURS)

4 / 1 / 04
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

270
Total Miles Driving Today

WASHINGTON TRANSPORTATION
Name of Carrier or Carriers

WASHINGTON, D.C.
Main Office Address

TT#12, TR#21
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:
John E. Doe
Driver's Full Signature

Co-Driver's Name

| | MID-NIGHT | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | NOON | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | TOTAL HOURS | |
|--------------------------|-----------|---|---|---|---|---|---|---|---|---|----|----|------|---|---|---|---|---|---|---|---|---|----|----|-------------|-----|
| 1. OFF DUTY | | | | | | | | | | | | | | | | | | | | | | | | | 10.5 | |
| 2. SLEEPER BERTH | | | | | | | | | | | | | | | | | | | | | | | | | | 4.5 |
| 3. DRIVING | | | | | | | | | | | | | | | | | | | | | | | | | | 5 |
| 4. ON DUTY (NOT DRIVING) | | | | | | | | | | | | | | | | | | | | | | | | | | 4 |
| REMARKS | | | | | | | | | | | | | | | | | | | | | | | | | | 24 |

Richmond, VA.
Frederickeburg, VA
Baltimore, MD.
Newark, N.J.
Franklin, N.J.

SHIPPING DOCUMENTS:
1673, 1674
B/L or Manifest No.
or
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.
USE TIME STANDARD AT HOME TERMINAL



ELD Exceptions

- ▶ Drivers who use “paper logs” no more than 8 days during any 30-day period*
- ▶ Driveaway-towaway drivers (The vehicle driven is the commodity) or the vehicle being transported is a motor home or a recreation vehicle trailer)
- ▶ Drivers of vehicles manufactured before model year 2000

Hours of Service Rules (Part 395)

- **14 hour rule**: Cannot drive a commercial vehicle beyond the 14th hour of coming on duty (16 hour exception)
- **11 hour rule**: Cannot drive more than 11 hours
- **60/70 hour rule**: Cannot drive after 60 hours of duty in any 7 consecutive days. (34 hour restart)

Rest Break Requirement

A driver is prohibited from driving beyond the 8th hour of coming on duty without a rest break of at least 30 minutes

Note: Drivers operating under the 100/150 short-haul exceptions are exempt from the rest break rule.

Also, if exempt under farm exceptions, then this does not apply

16 Hour Exception

- ▶ **CDL** drivers can extend to 16 hours once a week and **Non-CDL** can extend to 16 hours twice a week. And after 34 hour restarts
- ▶ A driver's 60/70 hour clock resets to zero after 34 consecutive hours off duty

Hours of Service – misc.

- ▶ A driver must have **10 hours off duty** in order to reset the 11 and 14 hour clocks back to zero
- ▶ 60/70 hour clock is reset to zero after **34 consecutive hours off duty**
- ▶ All compensated work is included in the 14 and 60/70 hour rules (*part-time, other employment*)



Personal Conveyance utilizing a Commercial Motor Vehicle

Time spent traveling from a driver's home to his / her work reporting location, and back, may be considered off duty (*Cannot be under dispatch / control of the company*)


The driver **must** be relieved from work and all responsibility for work while under Personal Conveyance

Vehicle Maintenance Requirements

(Part 396)

- ▶ Federal Annual Inspection, or state equivalent
- ▶ Preventative / Scheduled Maintenance Program
- ▶ Proper Vehicle File, repair records
- ▶ Brake Inspector Qualifications
- ▶ Driver pre-trip inspection (No written requirement)
- ▶ Daily Inspection Reports / Post-Trip (DVIRs)*

**DVIR is required to be prepared only when a deficiency or a defect is known to the driver*



Pre-trip Inspection (Applies to “Covered Farm Vehicle” drivers as well)

- No written requirement
- Must be satisfied that the vehicle is safe
- Check: Service brakes, parking brake, steering, lights, reflectors, tires, horn, wipers and mirrors.

Post-trip Inspection (DVIR)

- ▶ Written Requirement, if defects are known
- ▶ To be completed at the **end** of the work day by each driver when a defect or deficiency is known to the driver
- ▶ Must list any defects which may effect the safe operation of the vehicle. *(Retain forms for 3 months)*

Hazardous Materials MOT Rule (Part 173)

Small quantities transported which are incidental to the operation are not regulated provided they are secured against movement and in leak proof packages.

Examples:

- ▶ Gas cans of no more than 8 gallons each
- ▶ Gross weight of cylinders not over 220#
- ▶ Total weight on vehicle cannot exceed 440#

Summary

For vehicles, single or combines, weighing 10,001 # or more, or vehicles of any size carrying placarded hazardous materials, the following requirements apply:

- Driver Qualifications / Files (*Possibly farm exempt*)
- Hours of Service (*Possibly farm exempt*)
- Vehicle Maintenance records (*Possibly farm exempt*)
- Drug/alcohol testing (*Possibly farm exempt*)
- Hazardous Materials considerations (ALL)
- Operational / Safe driving and safe vehicles (ALL)
- Equipment parts accessories (ALL)
- Fuel Taxes, IRS-2290, IRP/Appportioned Plates, Overweight/Oversize Permits

Additional Questions?

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