



## **ELD Phase I: Awareness and Transition**

### **Webinar Transcript**

**February 2016**

#### **Description**

This presentation provides information about the first phase of the Federal Motor Carrier Safety Administration's (FMCSA's) ELD Rule Implementation Plan. The Awareness and Transition Phase starts on February 16, 2016 and ends December 18, 2017. During this phase, motor carriers have the option of using registered Electronic Logging Devices. This presentation provides guidance on how to enforce the ELD Rule during the Awareness and Transition phase at roadside and during investigations. This webinar coincides with the policy issued on December 4, 2016, entitled "Phase I: Electronic Logging Devices and Hours of Service Supporting Documents Final Rule: Awareness and Transition."

### **PRESENTATION**

#### **Title Slide: ELD Phase I: Awareness and Transition**

Welcome to the Awareness and Transition Phase I webinar.

#### **Slide 2: Agenda**

During this webinar we will discuss the following:

- how the ELD rule will be enforced during the Awareness and Transition phase of the ELD Implementation Plan;
- The various devices that can be used during the Awareness and transition phase;
- what to expect at roadside and during hour of service investigations; and
- the harassment provision that was included in the ELD rule.

#### **Slide 3: ELD Rule and Implementation Plan Video**

If you haven't had a chance to view the ELD Rule and Implementation Plan webinar, I encourage you to do so, as there may be some information referenced in this webinar that was explained in more details during that first webinar. Additional webinars focused on ELDs will be scheduled in the future.

#### **Slide 4: Phase I: Awareness and Transition**

There are three phases to the ELD Implementation Plan:

1. Awareness and Transition phase
2. Phased-in compliance phase
3. Full compliance phase

The awareness and transition phase begins on February 16, 2016 and ends December 18, 2017.

The focus of this presentation is on how the ELD rule will be enforced during Awareness and Transition phase.

#### **Slide 5: Phase I: Awareness and Transition, cont.**

During the Awareness and Transition phase motor carriers can voluntarily use ELDs. If a motor carrier chooses to operate with an ELD the device must be registered with FMCSA. The provided link will have a list of certified and registered ELDS.

In addition to using ELDS drivers/carriers can use: Automatic On-board Recording Devices, Devices Installed with logging software and applications, and paper logs.

#### **Slide 6: Phase I: Awareness and Transition, cont.**

If the device is not registered with FMCSA the device must meet the definition of an AOBRD or meet the requirements of section 395.8.

Registered ELDs will be subject to the harassment provision of the ELD rule.

#### **Slide 7: Three Types of Devices**

The term ELD has been used in the past to describe a device that electronically records hours of service. Oftentimes the term would be used to describe an AOBRD or a device installed with a logging software and application. Although the devices do electronically record drivers HOS they are not ELDs.

#### **Slide 8: Comparing the 3 Devices**

An AOBRD is defined in 49 CFR 395.2, as an electric, electronic, electromechanical, or a mechanical device capable of recording a driver's duty status information accurately and automatically as required by 49 CFR § 395.15. The device must be integrally synchronized with

specific operations of the Commercial Motor Vehicle it is installed in. At a minimum, the device must record engine use, road speed, miles driven, the date, and time of day.

Logging Software Programs and Applications are described in the federal register notice titled, “Hours of Service for Commercial Motor Vehicle Drivers; Regulatory Guidance Concerning Records of Duty Status Generated by Logging Software Programs.” Logging software programs and applications are not AOBRDs. However, they may be used as an alternative to handwritten record of duty status. Drivers can manually enter their HOS information using the application or software program on the device, and then, manually or electronically sign the Record of duty status at the end of each 24-hour period to certify that all required entries are true and accurate. The display and output from these devices must meet the requirements in 49 CFR § 395.8.

Like an AOBRD, an ELD automatically records a driver’s driving duty status and facilitates the accurate recording of the driver’s hours of service. The ELD must be integrally synchronized to the vehicle. Also like the AOBRD, a driver still selects the other duty status options, such as Off duty, sleeper berth and on duty not driving. The main difference between the two devices is, the ELD has one technical specification standard for ALL ELDs.

#### **Slide 9: What Form can an ELD be In?**

Like an AOBRD, an ELD can come in the form of a smart phone, laptop, or a tablet.

#### **Slide 10: Printing Requirements have not Changed**

Here is an overview of the printing requirements. These printing requirements have not changed. In regards to the device installed with logging software and application with electronic signature the inspector may use the devices display screen or request the driver to print his or her records of duty status to verify a driver’s HOS. There are some states that will not allow inspectors to review drivers’ HOS on a device other than an AOBRD, those inspectors can request a print out and the driver is required to adhere to the inspector’s request.

#### **Slide 11: ELD Printing Requirements**

During the Transition and Awareness phase, the driver must provide their records of duty status by the way of a printout or the display screen. Not all ELDs will have a print option but if it does, the display requirements do not apply. The screen display is required to be visible to an enforcement official without entering the commercial motor vehicle. For example, the display may be untethered or connected in a way it may be passed outside the vehicle at a reasonable distance.

Inspectors may accept RODS by way of fax, email or other methods if the inspector has the means to do so.

Whether the device offers printing capabilities or a display, the information provided must include a daily header, graph grid and detail log data. We will go into the specifics of these items later in this presentation.

### **Slide 12: Vehicle Equipped with an Electronic Device**

If a vehicle is equipped with an electronic device and the driver opts to use paper RODS, the driver must declare the official method of how he/she is recording their HOS to the inspector.

The inspector can contact the driver's employer to confirm the method, but the inspector must proceed with the inspection if the inspector cannot get ahold of the employer.

The inspector may check the paper RODS against the electronic device and cite any discovered violations.

### **Slide 13: ELD Information included in Daily Header**

The next few slides you may recognize from the ELD Rule and Implementation Plan Webinar. We are going over this information again to re-emphasize what will be enforced during the Awareness and Transition Phase. Looking at this slide, you will see a complete list of all required daily header information. The information listed in red is in addition to what we are used to seeing on a paper log. We have:

- 24-Hour Period Starting Time
- Carrier Name/USDOT #
- Driver Name and ID – (the driver ID would be their Username)
- Driver's License #
- And issuing 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 – the date of the RODS
- Shipping ID
- Current Engine Hours
- Current Odometer
- Time Zone
- Truck Tractor ID and VIN
- Trailer ID

### **Slide 14: ELD Information – Daily Header**

This is an example of what the header layout may look like as it contains all of the information covered in the previous slide.

### **Slide 15: 24-hour Duty Status Grid**

For the printout, the size of the graph-grid for each day's RODS must be at least 6 inches by 1-1/2 inches. It must also overlay periods of the driver's indications of authorized personal use of the CMV and yard moves using a different style line, such as a dashed or dotted line, or shading. The appropriate abbreviations must also be indicated on the graph grid.

### **Slide 16: ELD Detail Log Data**

This is an example of the printed/displayed detail log data. This detail log lists all of the event records. For each row of a driver's status record event, the data elements shown at the top of the columns are required to be listed. In this example you see:

- Time – which represents when the event was recorded;
- Location – the Geo-location where the event was recorded;
- Odometer – the ECM odometer reading at the time the event was recorded;
- Engine hours – the ECM engine hours value at the time the event was recorded;
- Event type – the identity of the type of event recorded.

The Printout report must only list up to 10 most recent ELD malfunctions and up to 10 most recent data diagnostics events within the time period for the report.

Also, a comment or annotation should be listed if one is required.

### **Slide 17: What is to be Expected during Investigations?**

During an investigation, motor carriers are still required to maintain and provide 6 months' of RODS and supporting documents. The supporting document provisions in the ELD rule will not be enforced during awareness and transition phase.

### **Slide 18: Citing During Phase I: Roadside and Investigations**

If it is determined that the driver is using an AOBDR then any violations discovered related to the AOBDR should be cited under section 395.15. Violations of the HOS limitations such as the 10, 11, 14, 15 hour rule, discovered on the AOBDR may be cited under Part 395.

Devices installed with logging software and applications are subject to all parts of 395 except section 395.15.

During the transition and awareness phase ELDs are subject to all hours of service limitations. If the device is not registered with FMCSA, the device must meet the definition of an AOBRD or meet the requirements of section 395.8.

### **Slide 19: Harassment Legal Procedures**

These next few slides will go over the Harassment provision that is included in the ELD rule. A driver alleging a violation of 390.36(b)(1) must file a written complaint with FMCSA stating the substance of the alleged harassment by a motor carrier within 90 days after the event. The harassment complaint must involve the use of an ELD or information from an ELD.

The complaint must be filed in writing with The National Consumer Complaint Database at [nccdb.fmcsa.dot.gov](http://nccdb.fmcsa.dot.gov) or the FMCSA Division Administrator for the State where the driver is employed.

### **Slide 20: Harassment Complaint**

The complaint must contain:

- Driver's name, address, telephone number;
- Name and address of the motor carrier allegedly harassing the driver; and
- A concise but complete statement of the facts relied upon to substantiate each allegation of harassment.

If at the conclusion of the harassment complaint investigation it is determined that the motor carrier is in violation, the driver's name will be disclosed.

### **Slide 21: Summary – Awareness and Transition Phase**

To recap the information presented in this webinar:

- The awareness and transition phase starts February 16, 2016 and ends December 18, 2017.
- ELDs have been added to the list of devices that motor carriers can use to record HOS in addition to paper RODS.
- Drivers can choose to present their HOS by display or printout when using an ELD.
- The supporting document requirements remain in place.
- Drivers can now file harassment complaints.

### **Slide 22: Resources**

For more information on ELDs please visit FMCSA's website and look for the ELD icon. Questions can be emailed to [ELD@dot.gov](mailto:ELD@dot.gov).

That concludes the Awareness and Transition Phase webinar. Thank you for tuning in.