



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

July 26, 2018

Mr. Richard D. Gupton
Senior Vice President & Counsel
Agricultural Retailers Association
1156 15th Street NW
Suite 500
Washington, D.C. 20005

Dear Mr. Gupton:

The Federal Motor Carrier Safety Administration (FMCSA) has completed its review of the application of the Agricultural Retailers Association (ARA) asking that its members be exempted from the requirement that drivers employ electronic logging devices (ELDs) to record their hours of service (HOS) (49 CFR 395.8(a)(1)). We deny the application for the reasons stated below.

The Agency is unable to determine from the application and from the public comments submitted to the Agency if operations under the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation. We do not believe that continuing to maintain paper records of duty status alone would provide an equivalent level of safety compared to the use of ELDs to cover operations subject to the HOS requirements.

In addition, many of the operations described in your application and letter of January 29 are already excepted from the ELD rule. The current regulations exempt carriers from the ELD requirement if they do not exceed a 100 air-mile operating radius on more than 8 days during any 30-day period (49 CFR 395.8(a)(1)(iii)(A)(I)). Furthermore, vehicles transporting "agricultural commodities" or "farm supplies for agricultural purposes" within a 150 air-mile radius of the source of the commodities or distribution point for the farm supplies, are not required to comply with the HOS regulations or to use ELDs (49 CFR 395.1(k)).

Should you have any questions, please contact Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, at 614-942-6477, or email him at tom.yager@dot.gov.

Sincerely,

Raymond P. Martinez