

IN THE SENATE

SENATE JOINT MEMORIAL NO. 104

BY TRANSPORTATION COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE
4 STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE UNITED STATES
5 DEPARTMENT OF TRANSPORTATION AND THE FEDERAL MOTOR CARRIER SAFETY AD-
6 MINISTRATION.

7 We, your Memorialists, the Senate and the House of Representatives
8 of the State of Idaho assembled in the Second Regular Session of the
9 Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

10 WHEREAS, the 2012 federal transportation bill, MAP-21, mandated elec-
11 tronic logging devices (ELD) in commercial trucks, which were to be final-
12 ized by rule in 2015, with an implementation date of December 18, 2017, in
13 trucks of model year 2000 and newer; and

14 WHEREAS, because of the nature of the commodities hauled and normal in-
15 dustry scheduling uncertainty, livestock and agriculture commodity haulers
16 requested exemption from this mandated transition from handwritten logbooks
17 to the electronic log, and the United States Department of Transportation
18 (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) origi-
19 nally ignored the request and agriculture commodity haulers; and

20 WHEREAS, the federal mandate and rule decreases efficiency, increases
21 business expense and does little or nothing to improve safety in this segment
22 of the trucking industry, and USDOT-FMCSA has not considered the special
23 circumstances surrounding the transport of livestock, fish and insects,
24 as these are the most perishable and fragile of all commodities and must be
25 transported in the most efficient, timely and expedient manner as possible,
26 and conformity with the ELD mandate and existing hours of services rule would
27 result in delays off-loading and reloading of livestock and even the addi-
28 tion of a second driver on short hauls; and

29 WHEREAS, infrastructure for off-loading and holding of livestock do not
30 readily exist and, if it did, extra handling of cargo would result in added
31 stress, weight loss, additional expense and exposure to additional disease
32 and biohazard, with no positive benefit to the animals; and

33 WHEREAS, heavy machinery service vehicles often drive long distances to
34 reach a job site and remain at the location long enough to exceed the 14-hour
35 service day thereby requiring either an additional driver or an overnight
36 stay near the job site and subsequently decreasing efficiency and increasing
37 business expense; and

38 WHEREAS, highway safety is also a primary consideration, and livestock
39 transporters were involved in a statistically insignificant number of ac-
40 cidents (0.004%) according to the "Large Truck Crash Causation Study" pub-
41 lished by the FMCSA and the National Highway Safety Institute and 0.7% of
42 fatal accidents per the "Trucks Involved in Fatal Accidents Factbook 2005"
43 published by the Transportation Research Institute; and

1 WHEREAS, mandated ELDs engage when the truck's motor is started. The
2 devices provide the operator no discretion in determining "on-duty" and
3 "off-duty" time. Large, over-the-road commercial truck fleets support the
4 ELD mandate because they are better able to absorb related costs and are
5 subject to well-defined schedules; and

6 WHEREAS, paper logs allow the driver this determination. Because many
7 livestock and agriculture commodity haulers are small and independently
8 owned businesses, mandatory ELD use will result in increased livestock
9 handling, more downtime, increased expenses, and lower net revenues to
10 producers and trucking firms and small trucking companies forced out of
11 business. The ELD mandate is impractical because USDOT-FMCSA did not con-
12 sider normal delays that are encountered when dealing with livestock and
13 other agriculture commodities; and

14 WHEREAS, in September 2017, seven national agriculture commodity or-
15 ganizations and other agriculture-related organizations requested a waiver
16 from the rule, which was granted and will be in effect until March 18, 2018.
17 Section 132, Exemption from Requirement for Electronic Logging Device, is
18 contained in the FY18 federal Transportation, Housing and Urban Development
19 (THUD) bill funding to implement the ELD mandate in FY18, and this language
20 was signed by all members of Idaho's congressional delegation, and legisla-
21 tion was introduced in 2017 in the United States House of Representatives to
22 make a livestock/agriculture commodity exemption permanent; and

23 WHEREAS, the federal mandate and rule is difficult to implement, in-
24 creases cost, lowers efficiency, imposes an unfunded mandate, creates
25 economic and regulatory hardship for small business and does not consider
26 the special needs of certain segments of the trucking industry.

27 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
28 sion of the Sixty-fourth Idaho Legislature, the Senate and the House of Rep-
29 resentatives concurring therein, that we request a permanent exemption from
30 the USDOT-FMCSA ELD mandate granted by whichever means appropriate for live-
31 stock and agriculture commodity transporters.

32 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
33 hereby authorized and directed to forward a copy of this Memorial to the
34 President of the Senate and the Speaker of the House of Representatives of
35 Congress, and to the congressional delegation representing the State of
36 Idaho in the Congress of the United States, the United States Department of
37 Transportation and the Federal Motor Carrier Safety Administration.