

UTILITY SERVICE EXEMPTION

FMCSA Regulation 395.2 defines a utility service vehicle as a commercial motor vehicle used in the repair, maintenance, or operation of any structures or other physical facilities necessary for the delivery of public utility services (electricity, gas, water, telephone, etc).

Under this regulation, utility service vehicles are EXEMPT from hours of service rules and the ELD (electronic logging device) mandate when traveling to or from a utility service jobsite, working on such a site, or carrying out required duties between utility sites.

Rocky Mountain Crane Service falls under this exemption whenever maintenance/repair work is being performed on a wind farm or other utility. This includes driving to and from the site. This exemption does NOT apply to new construction/decommission of a utility

RMCS is exempt from the ELD mandate when performing utility service work.

Employees still need to keep detailed and accurate logs, but any driving done in a CMV to, from, or on a utility site may simply be recorded as “on duty” and is exempt from standard hours of service regulations.

8 DAYS IN 30 EXEMPTION

If RMCS is not performing utility services, the ELD mandate and all hours of service regulations apply, with two exceptions: the 8 in 30 exemption and the 100 air mile exemption.

Under the 8 in 30 exemption, drivers who operate a CMV fewer than 8 days in 30 are exempt from the ELD mandate, but NOT from hours of service rules.

If RMCS is not performing utility service work (example: building a new wind farm or doing bridge work), drivers need to track the number of days during which they have operated a CMV. If one employee has already driven a CMV 8 out of the past 30 days, he or she should make arrangements for another employee to drive.

Drivers using the 8 in 30 exemption must still keep driving logs, must log driving time accurately in the “driving” column, and follow all other hours of service rules. This exemption only applies to the ELD mandate.

It is important to note that the FMCSA considers 15 minutes of driving a CMV on any single day to count as a full day out of the allowed 8. The 30 day period may be started at any time, so it is important for employees to track their driving history and know when this exemption may be applied.

100 AIR MILE EXEMPTION

The 100 air mile (115 ground mile) exemption applies both to the ELD mandate and the logbook portion of hours of service regulations.

The 100 air mile exemption applies when the following conditions are met:

- Employees operate within 100 air miles/115 ground miles of their daily starting location
- Employees go off duty within 12 hours
- Employees report back to the same work location every day
- Employees at least 10 consecutive hours off-duty before the next on-duty period.

If ALL of the above conditions are met, employees are exempt from the ELD mandate and logbook requirements of the hours of service regulations. HOWEVER, RMCS policy requires employees to keep logs current and accurate at all times. If the 100 air mile exemption applies, driving time may be recorded as “on duty.”

Under this exemption, employees are still bound by other hours of service rules. An employee may only drive a maximum of 11 hours in a single day, and may not drive a CMV after 14 hours on duty.

If a workday exceeds 12 hours, the 100 air mile exemption no longer applies and all driving time from the entire day must be logged under the “driving” column.