SITUATION

Livestock haulers are responsible for the daily transportation of millions of animals. The welfare and safety of these animals, together with the safety of other drivers on the road, are the industry’s top priorities. Because livestock, such as pigs, are vulnerable to health issues triggered by temperature changes, long-established industry standards prohibit drivers from stopping while hauling animals.

As part of the 2012 Moving Ahead for Progress in the 21st Century Act, the Commercial Motor Vehicle Safety Enhancement Act mandated that drivers of commercial motor vehicles replace their paper logs with Electronic Logging Devices (ELD) by Dec. 18, 2017. Costing between $200 and $1,000 plus a $30 to $50 monthly service fee, ELDs record driving time and monitor engine hours, vehicle movement and speed, miles driven and location information and report the data electronically to federal and state inspectors. ELDs are designed to ensure compliance with strict limits on the Hours of Service (HOS) that livestock haulers can operate. Under current rules, a livestock hauler can only drive 11 hours in a day, and work a maximum 14 hours, before taking a mandatory 10-hour rest break.

The inflexibility of the Hours of Service rules are in many cases incompatible with livestock hauling. Further, the ELDs currently on the market are not designed and can't be operated to address federal exemptions that have been developed for agriculture, including livestock haulers. As a result, for many routes, drivers will be forced to choose between arbitrary Department of Transportation (DOT) HOS limits and the welfare of the animals in their care.

NPPC POSITION

NPPC supports the Modernizing Agricultural Transportation Act, bipartisan legislation introduced in February 2019. The bill would establish a working group at DOT tasked to deliver, within one year, an action plan for reforms that support the safe, humane transportation of agricultural commodities, including pigs. NPPC will continue to push for the following rules:

- Expanded driving time for livestock haulers to the entire 14-hour on-duty period
- Flexibility for adverse conditions – including excessive heat and cold – encountered while livestock are in transit
- Allowing livestock haulers to split up their 10-hour rest period into three separate periods, including one with at least six hours of uninterrupted rest
- Development of a program to streamline efforts for livestock haulers to restore their safety rating

As DOT works to reform the HOS rules, Congress has provided an exemption for livestock haulers from the ELD requirements. For livestock haulers, DOT has also provided an exemption from the HOS rules for transit within a 150 air-mile radius of the farm where the animals were loaded. While some states recognize this exemption all year long, others recognize it for only a few months of the year even though livestock are in transit and harvested year-round, creating an unworkable patchwork of conflicting state transportation standards for livestock haulers.