

# INFORMATION BULLETIN



June 5, 2018

## TRANSPORTATION OF AGRICULTURAL COMMODITIES – INTERSTATE VERSUS INTRASTATE DRIVERS’ HOURS-OF-SERVICE EXCEPTIONS

Commercial Vehicle Section (CVS) has received inquiries from industry and enforcement personnel regarding hours-of-service (HOS) limits applicable to drivers transporting agricultural commodities in interstate commerce and/or intrastate transportation. The purpose of this Information Bulletin (IB) is to clarify the interstate drivers’ HOS exception contained in Title 49, Code of Federal Regulations (CFR), Part 395.1(k), and the intrastate drivers’ HOS exception contained in Title 13, California Code of Regulations (CCR), Section 1212(k).

### Interstate:

Title 49 CFR, Part 395.1(k) provides an exception for interstate drivers who transport agricultural commodities in commerce within a 150 air-mile radius (150 nautical or 172.6 statute miles) from the source of the commodity. This includes farm supplies (for agricultural purposes) transported from a wholesale or retail distribution point to a farm or other locations where farm supplies will be used. For the purpose of this exception, agricultural commodities are defined in Title 49 CFR, Part 395.2 as products grown on and harvested from the land, nonprocessed food, feed, fiber, and livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish used for food, and insects).

Interstate drivers transporting unladen vehicles to a location where an agricultural commodity will be loaded, or transporting unloaded vehicles while returning from a trip after delivering an agricultural commodity, may operate under the exception provided the trip does not involve the transportation of other cargo and the sole purpose of the trip is to complete the delivery or pick up of agricultural commodities. In this case, driving and on-duty time are not limited, and other requirements of Title 49 CFR, Part 395, do not apply. However, once a driver operates beyond the 150 air-mile radius from the source of the commodity, the requirements contained in Title 49 CFR, Part 395, apply. From that point and beginning at zero, the driver must record their duty time, and the 11-hour, 14-hour, and 60-/70-hour rules apply. Once the HOS rules begin to apply, they continue to apply for the duration of that trip until the driver crosses back



into the area within the 150 air-mile radius of the original source of the commodities. If the driver is not returning to the original source, the HOS rules continue to apply even if the driver reenters the 150 air-mile radius.

**Intrastate:**

Intrastate drivers transporting farm products from the field to the first point of processing may use the HOS exception contained in Title 13 CCR, Section 1212(k). The exception limits drivers to 12 hours driving within each work period of not more than 16 hours on-duty, and prohibits driving after having been on-duty 112 hours in any period of 8 consecutive days. The exception requires drivers to accumulate 8 consecutive hours off-duty to requalify for a new work period, and excludes off-duty and sleeper berth periods from the 16 hour on-duty calculation. For the purposes of the exception, farm products are defined in Title 13 CCR, Section 1212(k)(3)(A) as agricultural, horticultural, viticultural, or vegetable products of the soil, honey and beeswax, oilseeds, poultry, livestock, milk, or timber.

Title 13 CCR, Section 1212(k) provides an additional intrastate exception for transportation of special situation farm products. Drivers utilizing the special situation farm products exception are also limited to 12 hours driving within each work period of not more than 16 hours on-duty. However, for one period of 28 days or two periods totaling not more than 28 days during the calendar year, driving time is not restricted by a cumulative 8 day on-duty limit. For the purpose of this exception, special situation farm products are defined as fruit, tomatoes, sugar, beets, grains, wine grapes, grape concentrate, cotton, or nuts transported from the field to the first point of processing or packing, or livestock transported from pasture to pasture.

Drivers utilizing the aforementioned intrastate drivers' HOS exceptions who thereby drive after 80 hours on-duty within any 8 consecutive day period shall record their duty status using drivers' records of duty status pursuant to Title 13 CCR, Section 1213. Additionally, when a driver utilizing the above outlined interstate HOS exception transitions to intrastate transportation, the driver must ensure all on-duty hours for that day and the immediately preceding 7 days are recorded as required, including all accumulated on-duty, off-duty, sleeper berth, and on-duty not driving time, without regard to the interstate drivers' HOS exception contained in Title 49 CFR, Part 395.1(k).

Questions concerning this IB may be directed to CVS, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

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