



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-1282]

Electronic Logging Device Requirements: Application for Exemption; Federation of Professional Truckers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the application from the Federation of Professional Truckers (FOPT) requesting an exemption from the electronic logging device (ELD) requirements. FOPT requests an exemption to allow professional drivers the option to record their records of duty status (RODS) manually, instead of using an ELD. FMCSA analyzed the application and public comments and determined that the exemption would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division, Office of Carrier, Driver and Vehicle Safety Standards; richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services via telephone at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-1282/document> and choose the document to review. To view comments, click this notice, then click “Document

Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58-213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the *Federal Register* (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the *Federal Register* (49 CFR 381.315(b)). If granted, the notice will identify the person or class of persons granted the exemption, the regulatory provision(s) from which the person or class of persons is exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Under 49 CFR 395.8(a)(1)(i), drivers required to prepare RODS must do so using an ELD. Under 49 CFR 395.8(a)(1)(iii)(A)(I), a motor carrier may allow its drivers to

prepare RODS manually, rather than use an ELD, if the driver is operating a commercial motor vehicle (CMV) “[i]n a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period.”

Applicant’s Request

FOPT’s application for exemption was described in detail in a Federal Register notice on February 9, 2026 (91 FR 5800) and will not be repeated as the facts have not changed.

IV. Public Comments

The Agency received a total of 901 public comments, with 890 unique comments. Most commenters were individuals who supported the exemption. The Truck Safety Coalition, Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers submitted a joint comment and said, “First, FOPT fails to provide any information regarding scope of the exemption request – i.e. the number of carriers involved, the number of drivers, how many miles will be driven, etc. They also fail to mention what the requirements are to be an ELD-exempt FOPT Member – are there any safety assurances or validations required to be a FOPT Member that might suggest these drivers prioritize safety beyond compliance?” The American Trucking Associations (ATA) said, “ATA disagrees with arguments about negative impacts from drivers trying to ‘beat the clock’ of an ELD. ELD usage and compliance require no changes of hours-of-service regulations. It is the responsibility of fleets and drivers to plan routes and contingencies within the same hours of service regulations, regardless of whether ELDs or paper logs are in use.” The Institute for Safer Trucking and Road Safe America jointly commented in opposition stating, “ELD’s are a data-driven, effective tool for reducing fatigue-related crashes, improving compliance, and increasing accountability. Reverting to paper logs would undermine safety gains and increase risk for all road users. We encourage FMCSA to deny the exemption request.” The Buchanan Law Firm, LLC said, “ELD’s are not

perfect, and I do not claim they are. However, FOPT's key that paper logbooks are 'safety equivalent' to ELDs is contradicted by the entire legislative history of MAP-21. FMCSA's May 2023 'Effects of the Hours-of-Service Regulations Report to Congress – 2021' found that inspections with at least one hours-of-service violation fell from 274,441 in 2018 to 191,797 in 2020. The report also found that the decrease in the number of inspections with at least one HOS violation post-adoption of the ELD requirement *was statistically significant*' (emphasis in original).

Common themes of commenters who support granting FOPT's request for an exemption include the potential to reduce driver stress and improve safety by giving drivers more flexibility and autonomy, and reducing overall costs to the trucking company. Many commenters also raised the issue of finding adequate truck parking. George Kincaid said, "It should be a carrier's choice as to which type of logs they use. ELDs are just another expense that not everyone needs or wants. With the regular decertification of numerous ELDs, it can be said that it's a flawed system as well, with some instances of them causing damage to a truck's ECM also." Samuel Thorne said, "Without ELDs being required, that puts control back into the drivers hands. Even if they technically have hours to drive or work, they don't have to be forced to work when it's unsafe to do so. They now have the control to tell their company or dispatcher when the truck will move again so the driver can get adequate rest to drive safely." WMR Transportation said, "Restoring the manual logging capability will remove driver pressure to perform against a device that is auto computing and counting and each and every move. Safety is an aggregate responsibility shared by employers and employees but ultimately dictated by the employer. The ELD's are nothing more than a production tool designed to force on road mile(s) production putting safety at risk." Lazar Gacevski said, "Independent contractors and all CDL drivers that are running under small carriers authority need to be able to choose to log their HOS in paper logs instead of being under

constant pressure of rushing to make the ‘clock.’ The ELD’s malfunction all the time due to numerous technical issues with the devices and other truck related electronic issues, giving the driver false information of available driving hours, which affects their current or next load decision planning [sic]. These wrong decisions based on faulty info from the ELD, affects their pick up, transit and delivery times, which directly affects road safety and puts a heavy financial burden on them.”

Bruce Thompson commented neither for nor against the FOPT request and stated, “As a 28 year driver I have seen all the different log rules and changes through the years and in my personal opinion it’s not paper or electronic, but the actual rules . . . and hours of service that need to be changed so that drivers aren’t on a timer they will be more relaxed, safer on the road not racing to do as many miles as they can and racing the next guy to get in a spot before their timer runs out and they have to park illegally on a posted ramp or on the side of the road.”

V. FMCSA Decision

FMCSA evaluated FOPT’s application and public comments and denies the exemption request. Section 32301(b) of the Commercial Motor Vehicle Safety Enhancement Act, enacted as a part of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141, July 6, 2012, 126 Stat 405, 765), mandated that the Secretary adopt regulations requiring that CMVs involved in interstate commerce operated by drivers who are required to keep RODS be equipped with ELDs. The Agency is therefore bound by this Congressional mandate and cannot grant a blanket exemption for any driver or carrier that wishes to be exempt.

FMCSA further concludes that FOPT’s application does not provide information establishing that the requested exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FOPT indicated that it would educate its members to ensure accuracy in paper log

completion, that participating carriers would conduct random internal audits, and that violations of HOS limits by paper log users would result in exclusion from the exemption program. However, FOPT proposed that the exemption would apply to all drivers who wanted to use the exemption, not just to FOPT members. FOPT does not explain how its proposed safety countermeasures would apply to an unknown population of drivers or how violators would be excluded from the exemption program.

For the above reasons, the FOPT exemption application is denied.

Derek D. Barrs,
Administrator.

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