



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

JAN 19 2010

Refer to: MC-PSD

Mr. Paul G. Levine  
Executive Director  
National Motor Freight Traffic Association, Inc.  
1001 North Fairfax Street, Suite 600  
Alexandria, VA 22314-1798

Dear Mr. Levine:

Thank you for your letter requesting guidance regarding actions being taken at certain Department of Defense installations, as well as potentially at other U.S. government and governmental contractor facilities, concerning electronic logging devices (ELDs).

You advised that some of your members' drivers, operating with compliant portable ELDs, have recently attempted to enter military bases to perform routine pickups and deliveries, only to have been required to surrender their ELDs at the gate based on a security requirement of the installation. You are concerned that 49 CFR 395.22(g) requires an ELD to be mounted in a fixed position during operation of the vehicle.

Because this relates to a governmental security issue, once inside the gate the driver may temporarily stop using the ELD and remove it from the vehicle for the period of time they are inside the facility. Once the device has been given back to the driver when leaving, the driver should make an annotation on the ELD record that explains the gap in time while the driver was not using the ELD. Please note that the Agency will also consider adding your inquiry to the ELD Frequently Asked Questions section of our website.

I hope this information will be helpful. Should you have any questions, please contact Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, at (614) 942-6477, or by e-mail at [tom.yager@dot.gov](mailto:tom.yager@dot.gov).

Sincerely,

Larry W. Minor  
Associate Administrator for Policy