

Federal Motor Carrier Safety Administration

Pennsylvania Bus Association

August 26, 2020



Hours of Service (HOS) Final Rule

- FMCSA published a revised HOS final rule on June 1, 2020
- Drivers must operate under new rule starting on **September 29, 2020**, not before
- HOS final rule changes the following 4 provisions



Short-Haul
Exception



Adverse Driving
Conditions
Exception



30-Minute Break
Requirement



Sleeper Berth
Provision



Why did the HOS rule change?

- Developed based on direct **input from truckers, industry, safety advocates, Congress, and the American people**
- Rule will result in **critical regulatory savings of over \$270 million**—which will help create more jobs and strengthen the motor carrier industry



Rule aims to **provide drivers with greater flexibility** while **maintaining safety** on our Nation's roads

Engaging Stakeholders in HOS Rulemaking

2
0
1
8

Advanced Notice of Proposed Rulemaking

Determine if HOS revisions may
alleviate unnecessary burdens placed
on drivers while maintaining safety

5,000+
public comments

2
0
1
9

Notice of Proposed Rulemaking

Seek input on five specific changes
to HOS provisions

2,800+
public comments

Short-Haul Exception



Regulatory Text: Short-haul Operations

Old

§ 395.1 Scope of rules in this part.

(e) ***

- (1) *100 air-mile radius driver.* A driver is exempt from the requirements of §§ 395.8 and 395.11 if:
 - (i) The driver operates within a **100 air-mile radius** of the normal work reporting location;
 - (i) (A) The driver, except a **driver-salesperson** or a driver of a ready-mixed concrete delivery vehicle, returns to the work reporting location and is released from work **within 12 consecutive hours;**

New

§ 395.1 Scope of rules in this part.

(e) ***

- (1) *150 air-mile radius driver.* A driver is exempt from the requirements of §§ 395.8 and 395.11 if:
 - (i) The driver operates within a **150 air-mile radius (172.6 statute miles)** of the normal work reporting location;
 - (ii) The driver, except a **driver-salesperson**, returns to the work reporting location and is released from work within **14 consecutive hours;**



Distance Change

- The maximum driving distance has **increased by 50 air miles**

Old

The driver operates within a radius of
100 air miles
(115.08 statute miles)
of the normal work reporting location

New

The driver operates within a radius of
150 air miles
(172.6 statute miles)
of the normal work reporting location

An “air mile” is internationally defined as a “nautical mile”
A nautical mile is equivalent to 6,076 feet

Time Change

- The maximum duty period has **increased by 2 hours**

Old

The driver reports to the normal work reporting location and is released from duty within

12 hours

New

The driver reports to the normal work reporting location and is released from duty within

14 hours



Drivers who are not released within 14 hours do not qualify for this exception and must complete a log

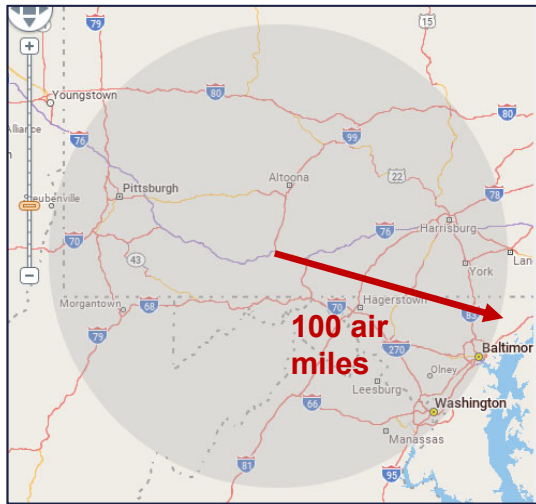
Drivers are still limited to a maximum of 10 driving hours within their 14-hour duty period



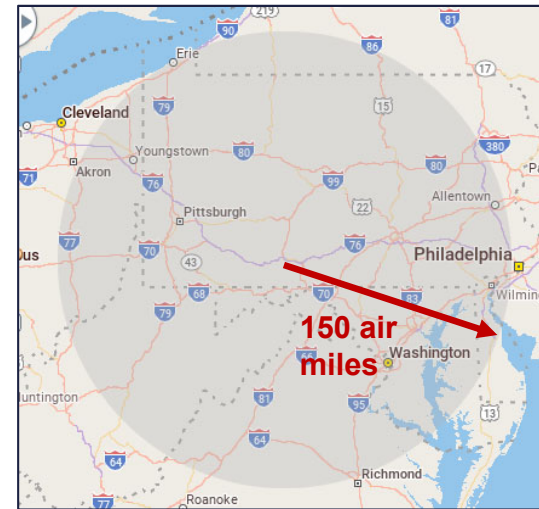


Short-Haul Exception

Previous rule:



New rule:



EXAMPLE

Under the previous rule, a driver based in Bedford could not service the Allentown area. The new rule allows the driver to service Allentown, areas of Western Philadelphia, and provides an additional 2 hours of on-duty time.



Short-Haul Exception



- No other provisions of the CDL short-haul exception changed
- New HOS rule does not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#)

To be able to use the short-haul exception, the CMV driver must:

- Operate within a 150 air-miles radius
- Not exceed a maximum duty period of 14 hours
- Start and end shift in the same location
- Have at least 8 (passenger) or 10 (property) hours off between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

Things to Remember

What changed in §395.1(e)(1)?

The **maximum driving distance** radius was extended from 100 air miles to **150 air miles**.

The **maximum duty period** was extended from 12 to **14 hours**.

What did not change in §395.1(e)(1)?

No other provisions of the §395.1(e)(1) short-haul exception changed.



Additionally, the new HOS rule did not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#) (property-carrying).

Remember, short-haul drivers are exempt from the requirements of §§ 395.8 and 395.11. Additionally, drivers who are required to make paper RODS for **8 days or less** out of every 30 consecutive day period are also still excepted from using an ELD per [§395.8\(a\)\(1\)\(iii\)](#).

Short-Haul Exception and Logs



While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD), they can use a time record instead

- Motor carrier must record the driver's time in, time out, and total number of hours per day
 - Time must include the total time for the 7 preceding days
 - Records must be maintained for 6 months
- When a driver no longer meets the exception (drives too far/works too many hours), the driver must complete a regular log or use an ELD for the day ([§395.8](#))
 - If driver is required to complete a log:
 - **8 or fewer days** within the last 30 days ► driver can use **paper log with a graph grid**
 - **More than 8 days** within the last 30 days ► driver must use an **ELD** to record time for that day



Adverse Driving Conditions Exception





Adverse Driving Conditions Definition

Previous

Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, **none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun**

New

Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions **that were not known, or could not reasonably be known, to:**



a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or



a motor carrier immediately prior to dispatching the driver



Applicability of 2-hour Extension

When unforeseeable adverse driving conditions are encountered, drivers:

Old

- ✓ Can extend the 11- or 10-hour **driving limit** by up to 2 hours
- ✗ Extension does not apply to **on-duty limit**
 - 14-hour driving window (property) or
 - 15-hour on-duty limit (passenger)

New

- ✓ Can extend the 11- or 10-hour **driving limit** by up to 2 hours
- ✓ Extension also applies to **on-duty limit**



Property carriers
can drive up to
13 hours within a
16-hour driving window
([§395.3\(a\)\(2\)](#))



Passenger carriers
can drive up to
12 hours within a
17-hour on-duty limit
([§395.5\(a\)\(2\)](#))

Adverse Driving Conditions Exception

EXAMPLE

A driver is 15 miles from his destination when there is a gravel spill on the bridge ahead (the bridge is the only access to the destination)

- Driver has 1 hour left of driving time and 1 hour left in the driving day
- Driver can stop at the next exit (for up to 2 hours) until the road is clear, and still have time to get to the destination without violating HOS rules

Drivers should annotate, and include details about, the adverse driving condition in their log or Electronic Logging Device (ELD)



Q&A



Can the exception be used to cover delays caused by:



Detention time, breakdowns, or enforcement inspections?



No



Loading/unloading?

No



Road construction?

No, except when they could **not** reasonably be known before the driver started driving



30-Minute Driving Break



Regulatory Text: 30-Minute break

Old

§ 395.3 Maximum driving time for property-carrying vehicles.

(a) * * *

(3) *Driving time and restbreaks.*

(i) * * *

(ii) *Rest breaks.* Except for drivers who qualify for either of the short-haul exceptions in §395.1(e)(1) or (2), driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

New

§ 395.3 Maximum driving time for property-carrying vehicles.

(a) * * *

(3) *Driving time and interruptions of driving periods.*

(i) * * *

(ii) *Interruption of driving time.* Except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), driving is not permitted if more than 8 hours of driving time have passed without at least a consecutive 30-minute interruption in driving status. A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth or on-duty not driving time or by a combination of off-duty, sleeper berth and on-duty not driving time.



Duty Status Change

- 30-minute break can now also be satisfied by “on-duty, not driving”

Old
30-minute break can be satisfied by:
✓ Off-duty
✓ Sleeper berth

New
30-minute break can be satisfied by:
✓ Off-duty
✓ Sleeper berth
✓ On-duty, not driving

- Combine any of the three applicable duty statuses to reach 30 minutes



10 minutes
Off-duty



20 minutes
On-duty,
not driving



30 minutes
Consecutive
break

30 minutes must be consecutive



30-Minute Break Requirement

EXAMPLE

The examples on this slide assume the driver has driven for 8 hours and needs to take a 30-minute break

- **Previous Rule:** only the top log is compliant
- **New Rule:** both logs are compliant



- Short *non-consecutive* periods cannot be combined to reach 30 minutes of non-driving time
- 30 minutes must be consecutive



Exceptions and Exemptions

- **Regulatory Exceptions**

- Exceptions from the 30-minute break requirements, such as short haul and livestock, have not changed

- **Industry-Specific Exemptions**

- Some exemptions to the 30-minute break may be impacted due to the rule change (no longer relevant/necessary)
- These industry-specific exemptions are being reviewed by the Agency to be republished in Federal Register

Sleeper Berth Provision



Regulatory Text

Old

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

- (i) *In general.* A driver who operates a property-carrying commercial motor vehicle equipped with a sleeper berth, as defined in §§395.2 and 76. of this subchapter,

(A) Must, before driving, accumulate

- (1) At least 10 consecutive hours off duty;
- (2) At least 10 consecutive hours of sleeper-berth time;
- (3) A combination of consecutive sleeper-berth and off-duty time amounting to at least 10 hours; or
- (4) The equivalent of at least 10 consecutive hours off duty if the driver does not comply with paragraph (g)(1)(i)(A)(1), (2), or (3) of this section;

New

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

- (i) *General.* A driver who operates a property-carrying commercial motor vehicle equipped with a sleeper berth, as defined in § 395.2, and uses the sleeper berth to obtain the off-duty time required by § 395.3(a)(1) must accumulate:

- (A) At least 10 consecutive hours off-duty;
- (B) At least 10 consecutive hours of sleeper berth time;
- (C) A combination of consecutive sleeper berth and off-duty time amounting to at least 10 hours;
- (D) A combination of sleeper berth time of at least 7 consecutive hours and up to 3 hours riding in the passenger seat of the vehicle while the vehicle is moving on the highway, either immediately before or after the sleeper berth time, amounting to at least 10 consecutive hours; or
- (E) The equivalent of at least 10 consecutive hours off-duty calculated under paragraphs (g)(1)(ii) and (iii) of this section.



Regulatory Text: Qualifying Periods

Old

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

(i) * * *

(ii) *Specific requirements.* The following rules apply in determining compliance with paragraph (g)(1)(i) of this section:

(A) The term “equivalent of at least 10 consecutive hours off duty” means a period of

(1) At least 8 but less than 10 consecutive hours in a sleeper berth, and

(2) A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.

New

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

(i) * * *

(ii) *Sleeper berth.* A driver may accumulate the equivalent of at least 10 consecutive hours off-duty by taking not more than two periods of either sleeper berth time or a combination of off-duty time and sleeper berth time if:

(A) Neither rest period is shorter than 2 consecutive hours;

(B) One rest period is at least 7 consecutive hours in the sleeper berth;

(C) The total of the two periods is at least 10 hours; and

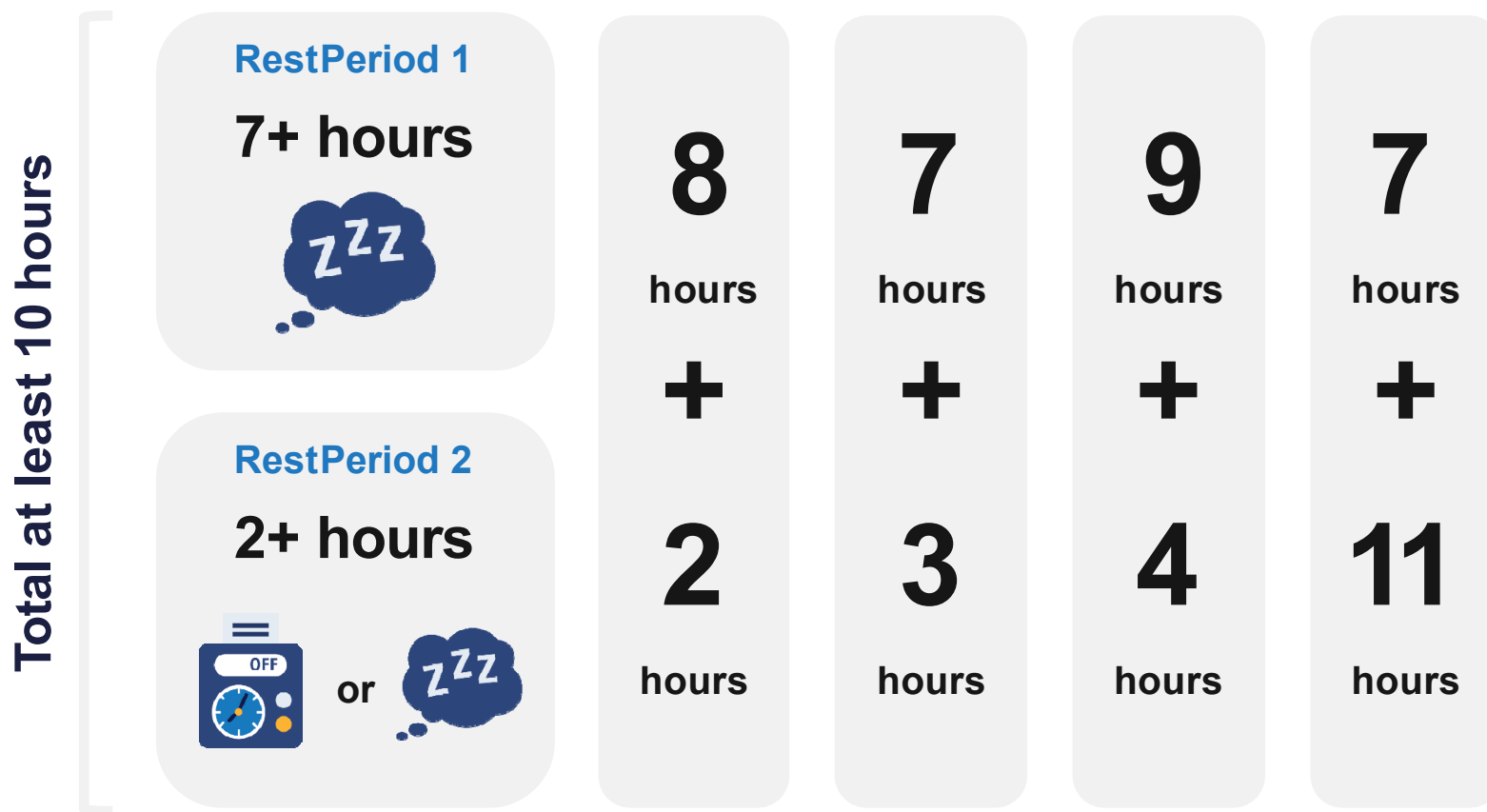
(D) Driving time in the period immediately before and after each rest period, when added together:

(1) Does not exceed 11 hours under § 395.3(a)(3); and

(2) Does not violate the 14-hour duty-period limit under § 395.3(a)(2).



Qualifying Periods: A Closer Look



- The two periods can be taken in any sequence
- Off duty period does not necessarily need to be shorter than sleeper berth period
- Either period can be longer than 10 hours

Regulatory Text: 14-Hour Driving Window

Old

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

(i) * * *

(D) Must exclude from the calculation of the 14-hour period in §395.3(a)(2) any sleeper-berth period of at least 8 but less than 10 consecutive hours.

(ii) * * *

(A) * * *

(B) Calculation of the driving limit includes all driving time; compliance must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(1)(ii)(A) of this section.

(C) Calculation of the 14-hour period in §395.3(a)(2) includes all time...except any sleeper-berth period of at least 8 but less than 10 consecutive hours and up to 2 hours riding in the passenger seat...compliance must be recalculated from the end of the first of the two periods used to comply

New

§ 395.1 Scope of rules in this part.

(g) *Sleeper berths*

(1) *Property-carrying commercial motor vehicle—*

(i) * * *

(ii) * * *

(iii) *Calculation.*

(A) *In general.* The driving time limit and the 14-hour duty-period limit must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(1)(i)(E) of this section.

(B) *14-hour period.* The 14-hour driving window for purposes of § 395.3(a)(2) does not include qualifying rest periods under paragraph (g)(1)(ii) of this section.



14-Hour Driving Window Calculation

OLD

8 to <10 hour sleeper berth period is **excluded** from 14-hour driving window

2 to <10 hour rest period is **included** in the 14-hour driving window

NEW

7+ hour sleeper berth period is **excluded** from 14-hour driving window

2+ hour rest period is **excluded** from the 14-hour driving window

(Remember, both periods must total at least 10 hours)

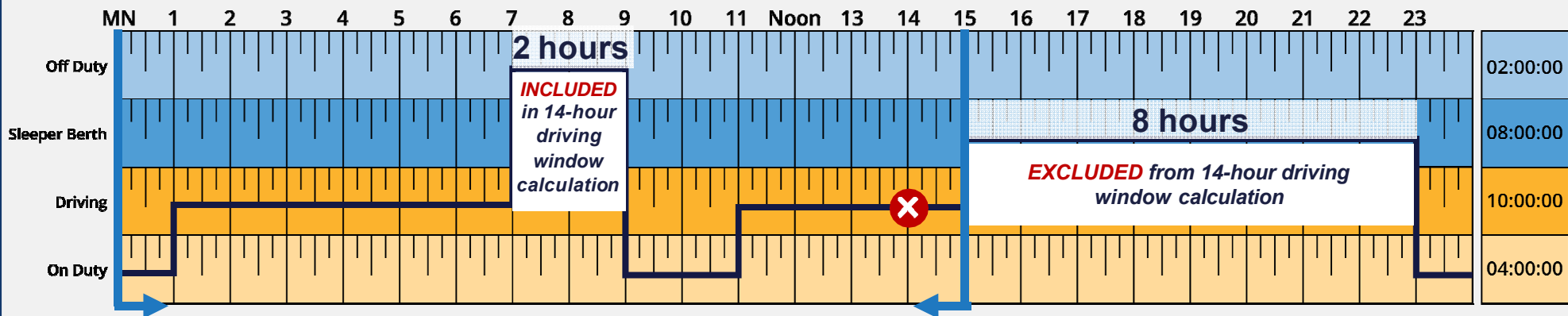


- Both periods must be paired to be excluded
- The sleeper berth provision applies to property-carrying CMVs only

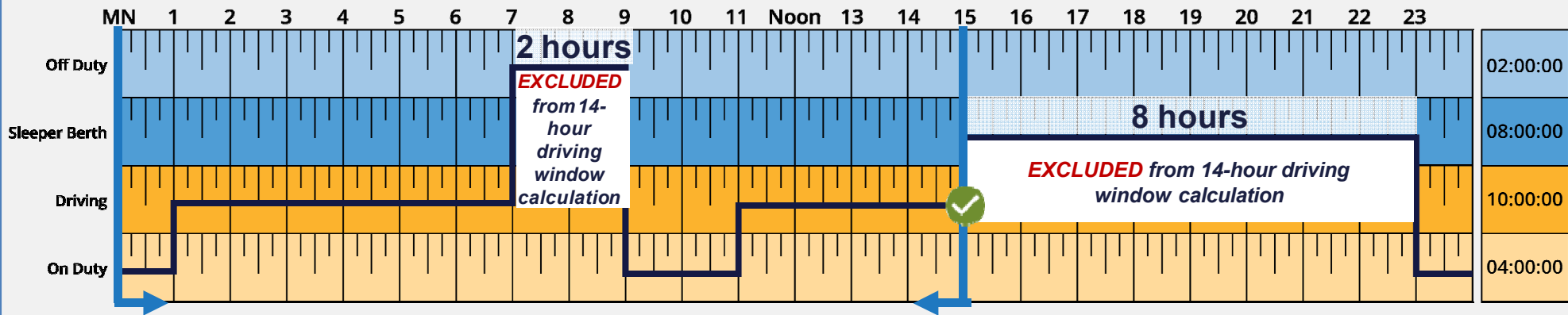


14-Hour Driving Window Calculation

OLD



NEW



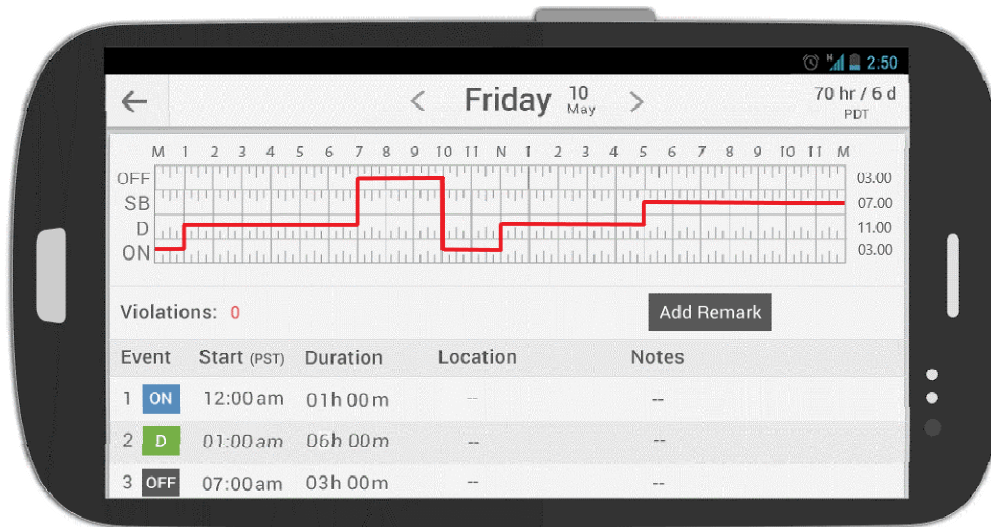
Sleeper Berth Provision

EXAMPLE

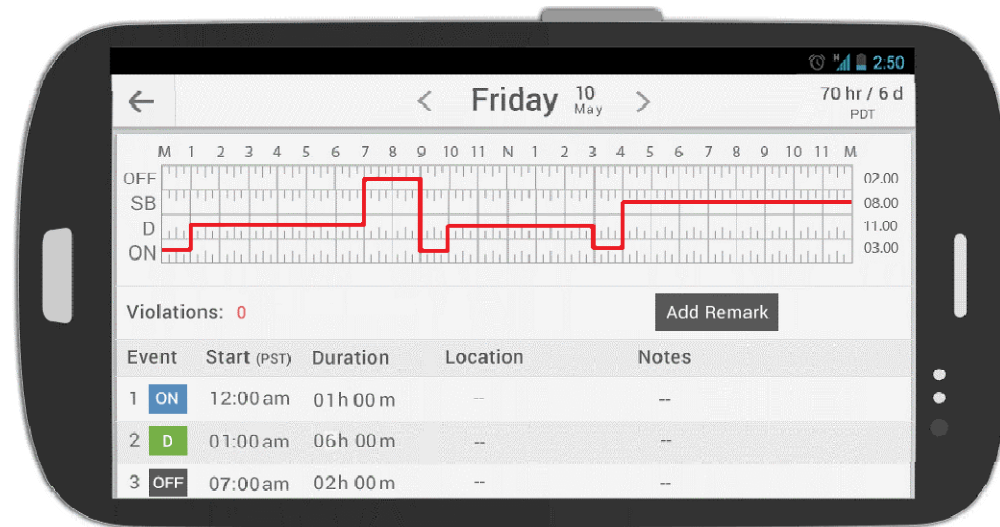
The example on this slide assumes the driver starts day 1 having just completed 10 consecutive hours off-duty

- None of the 4 break periods count against the driver's 14-hour window

Day 1: Driver used a 7/3 split



Day 2: Driver used an 8/2 split



When do the changes take effect?



Drivers and carriers must operate under the HOS final rule starting on the **September 29, 2020**, and not before

Public Resources



Hours of Service Rule Change Webinar

View:

<https://connectdot.connectsolutions.com/hosoutreach/>

Download Slides:

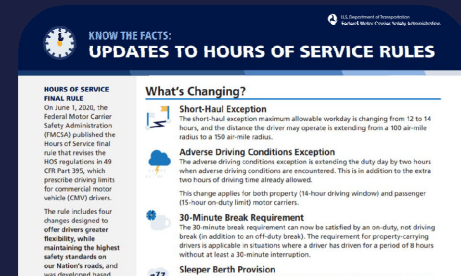
https://csa.fmcsa.dot.gov/Documents/Jun9_HOS_Presentation_508.pdf



Hours of Service Rule Outreach Slides

View:

https://csa.fmcsa.dot.gov/Documents/HOS_Outreach_Presentation_508.pdf



Hours of Service Final Rule Fact Sheets

Download:

https://csa.fmcsa.dot.gov/Documents/All_HOS_Fact_Sheets_508.pdf

Thank You

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