Hours of service

Property-Carrying Vehicles
Hours-of-service regulations

- A gross vehicle weight rating, gross vehicle weight, gross combination weight rating, or gross combination weight of 10,001 pounds or more.
Hours-of-service regulations

• Transporting hazardous materials in a type and quantity which require placarding

§ 171.8(2)(3)
Exemptions

• Utility service vehicles
• Railroad signal employees
• Agricultural operations
11-hour driving rule

• All time behind the wheel is driving time
• Must have 10 consecutive hours of rest after 11 hours driving time
11-hour driving rule

- Adverse conditions
- Emergencies
- Local Christmas deliveries
- Driving in Alaska
- Motion picture production
14-hour rule

• May not drive after the 14\textsuperscript{th} consecutive hour after coming on duty

• Must have 10 consecutive hours of rest

§ 395.3(a)(2) Southern Refrigerated Transport, INC.
14-hour rule

- Off-duty time does not extend the 14-hour day
- Can be extended using split-sleeper option or short-haul exceptions.
14-hour rule Exceptions

• Oilfield waiting time

• Local Christmas deliveries

• Driving in Alaska

• Motion picture production

§ 395.1(e)
30-minute break

- No CMV driving if more than 8 consecutive hours have passed since the end of the last 30-minute break
- Break may be spent off duty and/or in a sleeper berth
- May not be taken on duty/not driving
- Counts against the 14-hour limit
- May do non-driving work after 8 hours without the break
70-hour/8-day limit

• A driver cannot drive after having been on duty for 70 hours in any 8 consecutive days

• A driver may do non-driving work after reaching the limit, but the hours must be added to the total

§ 395.3(b)(2)

Southern Refrigerated Transport, INC.
Egregious Violations

• (6) Egregious violations of driving-time limits in 49 CFR part 395. A driver who exceeds, and a motor carrier that requires or permits a driver to exceed, by more than 3 hours the driving-time limit in 49 CFR 395.3(a) or 395.5(a), as applicable, shall be deemed to have committed an egregious driving-time limit violation. In instances of an egregious driving-time violation, the Agency will consider the “gravity of the violation,” for purposes of 49 U.S.C. 521(b)(2)(D), sufficient to warrant imposition of penalties up to the maximum permitted by law.
49 U.S.C. 521(b)(2)(D)

• (b) Violations Relating to Commercial Motor Vehicle Safety Regulation and Operators.—

• (2) Civil Penalty.—

• A) In general.— Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.
On-duty time

- All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
On-duty time

- All time inspecting equipment or inspecting, servicing or conditioning any motor vehicle

- All driving time

§ 395.2(2), § 395.2(3)
On-duty time

• All time (other than driving time) in or upon any commercial motor vehicle except:
  – time resting in a sleeper berth,
  – time resting in a parked vehicle, and
  – up to 2 hours spent riding in the passenger seat on a moving vehicle immediately before or after at least 8 consecutive hours in a sleeper berth.

§ 395.2(i) thru (iii)
On-duty time

• All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

§ 395.2(5)
On-duty time

• All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle
On-duty time

- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site

§ 395.2(7)
On-duty time

• Performing any other work in the capacity of, or in the employ or service of, a common, contract, or private motor carrier

§ 395.2(8)
On-duty time

- Performing any compensated work for a person who is not a motor carrier.
34-hour restart

• Any period of 8 days **may** end with the start of a 34-hour off-duty period
• Can be used even if 70-hour limit has been exceeded

§ 395.3(b)(2)
34-hour restart

• Next restart break must not begin until 168 hours (7 days) after the *start* of the last restart break.
• Remark must be used to indicate which break is the restart break.
• Must include two consecutive nighttime rest periods from 1:00 a.m. to 5:00 a.m.
Impact of Start Times on 34 Hour Restarts

What is the impact?

Impact of Start Times on 7-1-13 Rule for 34 Hour Restart

- Mandatory Breaks
- Optimal Start Times
- Marginal Start Times
- Worst Start Times
70-hour/8-day limit

- Driver-salesperson
- Construction materials and equipment
- Driver in Alaska
- Ground water well drilling operations
Sleeper-berth option

• 10-hour break may be taken in two separate periods:
  – One period must be at least 8 consecutive hours in a sleeper berth (this is excluded from 14-hour calculation)
  – Remaining 2 or more hours can be off duty, sleeper berth, or any combination of the two (this is included in 14-hour calculation)
Sleeper-berth option

• After second qualifying rest period, to calculate available hours count forward from end of first rest period and:
  – Subtract driving time from 11
  – Subtract all time from 14 (except any 8-hour sleeper periods)

§ 395.1(g)(B), § 395.1(g)(C)
Sleeper-berth option

Start Counting Here

Stop Counting Here

Southern Refrigerated Transport, INC.
Sleeper-berth option

Driver has used 8.5 hours of 11 leaving 2.5 hours (11-8.5=2.5)
Driver has used 9 hours of his 14 leaving 5 hours (14-9=5)
Sleeper-berth option

Driver has used 8.5 hours of 11 leaving 2.5 hours (11-8.5=2.5)
Driver has used 9 hours of his 14 leaving 5 hours (14-9=5)

Driver drives 2 hours of the 2.5 (11) remaining from previous period within 5 hours(14)
Sleeper-berth option
Sleeper-berth option

Starting at 3AM thru 5AM is 2 hours (11-2=9)
Starting at 3AM thru 7AM is 4 hours (14-4=10)
Sleeper-berth option

- Driver is in compliance:

Driver drives 8 of remaining 9 (11-hour rule) within his 10 remaining (14-hour rule)
Short-haul exceptions

• 100-air-mile-radius exception

• 16-hour short-haul exception
100 air-mile radius exception

• Operate within 100 air-mile radius of normal work reporting location

• Return to work reporting location and released within 12 consecutive hours

§ 395.1(e)
100 air-mile radius exception

- At least 10 hours separate each 12 hours on duty
- No more than 11 hours driving time following 10 hours off duty
- 30-minute break

§ 395.1(e)
100 air-mile radius exception

• Maintain time records for 6 months:
  – Time driver reports for duty
  – Time driver is released from duty
  – Total number of hours driver is on duty each day

§ 395.1(e)(2)
16-hour short-haul exception

• Drive 11 hours within 16-hour window once per 7 days
• Returned to work reporting location after last 5 duty tours worked
• Released within 16 hours (from same work reporting location) after coming on duty

§ 395.1(o)
Southern Refrigerated Transport, INC.
Count Down to The New Hours of Service Implementation!

As you all should know, The clock is ticking down toward the July 1st implementation date of the new hours-of-service rules. If you missed the in-house classroom training sessions or just need a refresher, you can find it & additional training on the VAGST Training site under “JULY 2013 NEW HOURS OF SERVICE”. One of the keys to our success of this challenging implementation will be education on the parts of both us & every driver. Below you will find a very simple outline of the rules and several frequently asked questions courtesy of the New Jersey Motor Truck Association. Starting this week, we will also have multiple Q & A sessions via phone with the fleet. Drivers will have an opportunity to call in & speak with a SRT safety manager concerning any questions or concerns they may have about the new rules. Each session will last about 30 min. The phone number & session times will be distributed later today. If you have any questions about the new rules, just contact one of the following safety managers for a prompt reply!

Southern Refrigerated Transport, INC.
Count Down to The New Hours of Service Implementation!

Leonard Evans – evaleo@southernref.com (ext3612)
Robert Ryan – Ryarob@southernref.com (ext. 3611)
Macho Wilson – wilmac@southernref.com (ext. 3604)
Jeff Henderson – henjef@southernref.com (ext. 3605)
Lloyd Segroves & Robert Ream – seallo@southernref.com & reabob@southernref.com (ext. 3621)
Count Down to The New Hours of Service Implementation!

Mandatory Rest Break
The final rule requires that if more than 8 consecutive hours on duty have passed since the last off-duty (or sleeper-berth) period of at least half an hour, a driver must take an off-duty or sleeper berth break of at least 30 minutes before driving.

To address an issue raised by commenters, FMCSA has also added an exception for drivers of commercial motor vehicles (CMVs) carrying Division 1.1, 1.2, or 1.3 explosives to allow them to count on-duty time spent attending the CMV, but doing no other on-duty work, toward the break.
Frequently Asked Questions
1. Why is FMCSA requiring drivers to take breaks?

Recent research found that any break from driving reduces risk in the hour following the break, but off-duty breaks produced the largest reduction. This study also showed that when non-driving activities (both work- and rest-related) were introduced during the driver's shift-creating a break from the driving task-these breaks significantly reduced the risk of being involved in a safety critical event during the 1-hour window after the break. The benefits of breaks from driving ranged from a 30- to 50-percent reduction in risk with the greatest benefit occurring for off-duty (non-working) breaks.
Count Down to The New Hours of Service Implementation!

2. Do I have to take a break exactly 8 hours after I come on duty?

No, the rule gives drivers flexibility in when and where to take the break. The rule only prohibits driving if more than 8 consecutive hours have passed since the last off-duty period of at least 30 minutes. For example, if a driver spends 2 hours loading at the beginning of the day, then has a 10-hour drive ahead, he or she must take the break no later than 8 hours after coming on duty. The driver can, however, take the break earlier. If he or she takes a half-hour or more break at some point between the 4th and 8th hours after coming on duty, the driver can complete the rest of the planned 10 hours of driving without another break.

Southern Refrigerated Transport, INC.
3. Does the break have to be spent resting?
No. The driver must be off duty for at least a half hour. Meal breaks or any other off-duty time of at least 30 minutes qualifies as a break. Drivers carrying certain explosives, who are required to attend the vehicle at all times, are allowed to count attendance time, which is on duty, toward the break if they do no other work during that time.

4. Can the shorter sleeper-berth break (minimum 2 hours) be used to meet the half-hour break requirement?
Yes. Any off-duty or sleeper-berth period of 30 minutes or more will meet the requirement.
5. Does the break count against the 14-hour driving window? Yes. Allowing off-duty time to extend the work day would allow drivers to drive long past the time when fatigue becomes extreme. The 14-consecutive-hour rule was adopted to prevent that and to help drivers maintain a schedule that is consistent with circadian rhythms.

6. Which drivers are most likely to be affected by this provision? Commenters to the proposed rule stated that most drivers already take breaks, so they are unlikely to be affected. The only drivers who will be affected are those who drive after working for more than 8 hours without taking any off-duty time.
Count Down to The New Hours of Service Implementation!

7. Can time spent waiting to be loaded or unloaded count toward the break requirement?
Time spent waiting to be loaded or unloaded is on duty unless the driver has been released from all responsibility for the truck. Except for drivers attending loads of certain explosives, on-duty time cannot be considered as a break.

8. Are drivers using the "100 air-mile radius" or "non-CDL 150 air-mile radius" provisions in § 395.1(e) required to take the minimum 30-minute break if applicable?
Yes. Drivers operating under the 395.1(e) exceptions may not drive if more than 8 consecutive hours have passed since the last off-duty period of at least 30 minutes. Because they are not required to maintain records of duty status ("logbooks"), they are not required to record the break periods.
Count Down to The New Hours of Service Implementation!

34-Hour Restart
Drivers can only use the 34-hour restart once every seven calendar days (168 hours). In addition, the restart must include two nighttime period of 1 a.m. to 5 a.m. using one's home terminal time zone. If you go off duty at 7 p.m. on a Friday, for example, you would be eligible to drive again at 5 a.m. on Sunday. After you've taken 34 consecutive hours off duty that include the two nighttime periods, you have your full 60 or 70 hours available again.

Frequently Asked Questions
1. What is the purpose of the 168-hour provision?
The purpose of the rule change is to limit work to no more than 70 hours a week on average. Working long daily and weekly hours on a continuing basis is associated with chronic fatigue, a high risk of crashes, and a number of serious chronic health conditions in drivers.
Count Down to The New Hours of Service Implementation!

2. Which drivers are most likely to be affected by the 168-hour provision?
Drivers who work very long hours (more than 70 per week) on a continuing basis are most likely to be affected by the 168-hour provision. The available data indicate that a small percentage of truckload drivers work these extreme hours.

3. How will inspectors be able to enforce the provision during roadside inspections?
FMCSA recognizes that this provision will not always be enforceable during roadside inspections. FMCSA and our State partners will be able to verify compliance with this provision during compliance reviews or other interventions.
Count Down to The New Hours of Service Implementation!

4. Who will be affected by the 2-night provision?
Only drivers who drive nights and work more than 60 or 70 hours in a week will be impacted. The nighttime operations of the major less-than-truckload (LTL) carriers should be minimally impacted, as their drivers generally receive 2 days off duty a week. Drivers who will be impacted by this provision work heavy and irregular schedules that include some nighttime driving.

5. What is the minimum length of time a driver has to be off duty to get the 2 night periods?
The minimum period is 34 hours. Most drivers driving day-time schedules will be able to obtain the 2 nights in a minimum 34-hour restart, if they need to use the restart at all. For example, a driver who begins a restart period when going off duty at 7:00 pm on a Friday would complete the minimum 34 hours off duty at 5:00 a.m. on Sunday. This would have included the required 2 nights off between 1:00 a.m. and 5:00 a.m. Only drivers who have a regular overnight driving schedule and who work more than 5 nights a week will need to take longer restarts to obtain the 2 nights off.
Count Down to The New Hours of Service Implementation!

6. If a driver works 10 hours a night 6 nights a week and takes the 7th night off, does he then have to take an extra night off? No, the driver would be working 60 hours in 7 days and would not need a restart to start working again on the 8th day. The driver, therefore, would not need to use the restart provision.

7. Are the two nighttime periods based on the driver's terminal time or local time, when different?

Drivers' logs are based on the time zone of their home terminal. The 2-night periods are, therefore, set by the time at the home terminal. They are not related to "local time."

Southern Refrigerated Transport, INC.
On Duty Definition (Passenger Rule)

Your MCP now tracks any Off-Duty (OFF) time you take as a passenger in a moving vehicle. With this information, the MCP provides you with alerts and warnings to help you avoid a violation.

Passenger Violation Alert: If you have logged any time in OFF status while a passenger in a moving vehicle, you have not yet completed 8 hours in the sleeper berth, and you do any of the following, you are in violation of the passenger rule and an alert appears.
- While in OFF status, you change your status to ON, DRV, or OFF DRV
- While in OFF status, you change to be the active driver and start driving
- While in OFF status, you clock out
- While in SB status fewer than 8 hours, you change your status in any way

New Warnings:
1. If you have logged any time in OFF status while a passenger in a moving vehicle, you have not yet completed 8 hours in the sleeper berth, and you are currently in OFF status, warnings appear on the:
   - Change Status screen: Must change to OFF or SB to avoid a passenger rule violation
   - Clock Out Screen: Clocking out will result in a passenger rule violation

2. If you have logged any time in OFF while a passenger in a moving vehicle, you have not yet completed 8 hours in the sleeper berth, and you are currently in SB status, warnings appear on the:
   - Change Status screen: # minutes more in SB will prevent a passenger rule violation
   - Clock Out Screen: Clocking out will result in a passenger rule violation
   
   Note: Be aware that clocking in may remove or cause a passenger rule violation.

3. After you complete 8 hours in SB, and while the vehicle is moving, a warning appears 30 and 15 min before you reach the 2 hour OFF (while a passenger) limit. Warning tells you the number of minutes until the system will automatically change your status to ON.
   
   Note: Warnings are not issued, and your status is NOT changed automatically to ON, if the vehicle is stopped at those times.

New HOS Rule Changes: Driver Guide

Proposed DOT HOS rules are scheduled to take effect on July 1, 2013. The HOS application on the Mobile Computing Platform (MCP) is being updated to support these new rules. If you log into an MCP after the new rules go into effect, and the MCP has not received the update, you will see an alert.

There are three new rules that affect your use of the HOS application on the MCP:

- **Rest Break rule**: At least once every 8 hours of on duty and driving, you must take a 30 minute break in one or combination of the following statuses: OFF, SB, or OFF-DRV.

- **34 Hour Reset rule**: You are allowed only one 34 hour reset per week; it must include the entire time between 1:00a.m. and 5:00a.m. for two nights in a row.

- **On Duty Definition**: (Passenger rule): As a passenger, you may take up to 2 hours of off-duty time (OFF) while the vehicle is moving. This time must be taken immediately before and/or after you log 8 hours in the Sleeper Berth (SB). While the time can be split around the 8 hours in SB, it must be continuously OFF.

The On Duty Definition (Passenger rule) went into effect in February 2012. The HOS application currently allows you to log Off-Duty (OFF) time in a moving vehicle. The next MCP update provides new alerts and warnings to help you comply with this rule.

The Rest Break rule and the 34 Hour Reset rule are scheduled to go into effect **July 1, 2013**. The HOS application will display the new rule changes on that date. However, if the ruling is delayed or the FMCSA decides not to require the new rules, you won’t see any changes on the MCP until the new rules go into effect.

## Rest Break Rule

**Summary Tab:** The new 8-Hour Rest Break clock appears at the top. This clock counts down 8 hours from when you login to the MCP and go on duty.

**DOT clock:** The DOT clock indicates the time remaining until you are in any violation.

- The DOT clock now considers the rest break clock, but always shows you the lowest of all your clocks.
- New 8-Hour Rest Break clock.

**New Warnings:**
- A warning appears 60, 30, and 15 minutes before you are in a rest break violation.
- When you are in off duty (SB, OFF, OFF-DRV) for less than 30 minutes, and you change to on duty (ON or DRV) with less than 2 hours left on the rest break clock, a warning appears with time required to complete the rest break.
- An alert appears when you are in a rest break violation.
- You are NOT notified when the 30 minute rest break is complete. However, look at the rest break clock to see when it is reset.

**Exception:**
If set up, drivers carrying hazardous loads who must stay in attendance of their vehicle can take rest break time while on duty (ON). Ask your dispatcher if you need to be set up for this feature.

If you take a rest break while ON, the time appears as On-Rest or ON-RB in your log and appears as a segment in the ON bar on the graph. Hazardous drivers also get warnings prior to violation, if ending a rest break too early, and when in violation.

## 34 Hour Reset Rule

**Last/Next 34hr Reset:** Your clocks are automatically reset if you take 34 hours off (including 1:00 a.m.-5:00 a.m. for two nights in a row) and you have not taken a reset in the last week. The Status tab now shows you:
- **Last (34hr) Reset:** Time and date you were granted your last 34hr reset
- **Next (34hr) Start:** Time and date when off-duty status begins to count towards the next 34hr reset

**Note:** If you have not had a 34hr reset in the last 7/8 days duty cycle, you see the message “No reset in current cycle.”

**Reject button:** With only one 34hr reset allowed per week, a Reject button gives you control when to take it. If you have a 34hr reset, and you know you will be off again for 34 hours (including 1:00 a.m.-5:00 a.m. for two nights in a row) before you are eligible to take another one, you can reject the current reset to take the later one. Click the Reject button and approve your logs to immediately remove the 34hr reset from your log.

**Hours to be Gained:** To help you decide whether to reject the 34hr reset, consider the time you gain back with the weekly rule, now on the Status tab:
- **Hrs to be Gained:** Time you gain on your clock at midnight tonight
- **Hrs Gained in 2 Days:** Time you gain on your clock at midnight tomorrow

You must determine whether to reject the 34hr reset before you approve your logs. Once approved, the Reject button disappears. Note that if you edit your logs to create 34 hours of qualifying off duty time, you will automatically be granted a 34hr reset after the system has processed your edit.

**Note:** The new 34 Hour Reset rule does not apply to drivers set up for 24 hour resets.