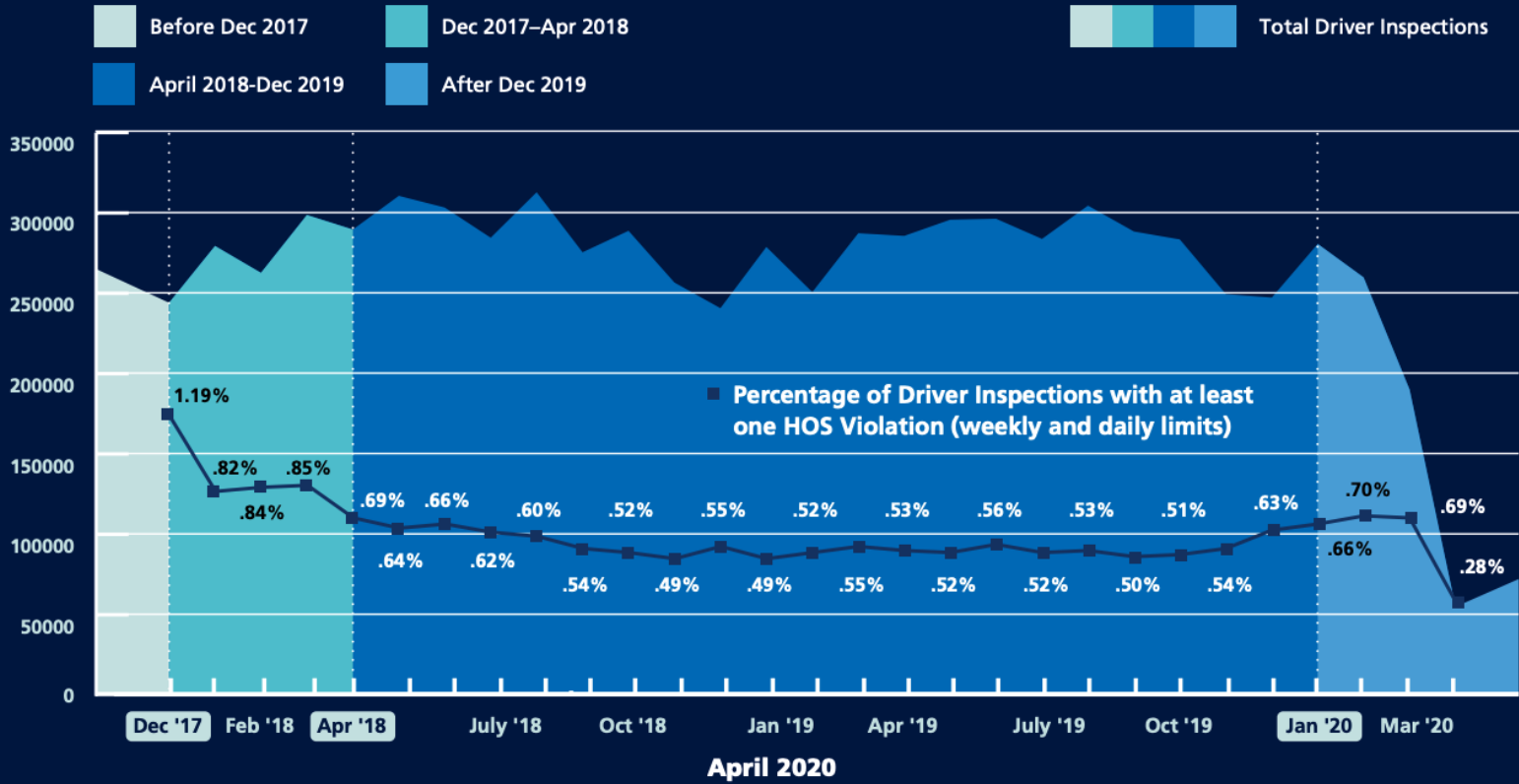




***AMERICAN
TRUCKING
ASSOCIATIONS***

Electronic Logging Devices

HOURS-OF-SERVICE COMPLIANCE IMPROVES WITH ELD ROLLOUT



Hours of Service



Hours of Service (HOS) Rulemaking

- **August 23, 2018: Advance Notice of Proposed Rulemaking (ANPRM)**
 - 4 Proposed Changes:
 - Short Haul, 30-Minute Break, Split Sleeper Berth, Adverse Driving Conditions
 - 2 Petitions: OOIDA, Trucker Nation
 - Over 5,000 plus comments received; multiple public listening sessions
- **August 22, 2019: Notice of Proposed Rulemaking (NPRM)**
 - 5 Proposed Changes:
 - Short Haul, 30-Minute Break, Split Sleeper Berth, Adverse Driving Conditions, Split Duty Day
 - Additional 3,000 plus comments received; additional listening sessions

Hours of Service (HOS): Final Rule

- **May 14, 2020: Final Rule Announced,**
- **June 1, 2020: Final Rule Published in the Federal Register**
- **September 29, 2020: Effective Date**



Short-Haul Operations



30-Minute Break



Adverse Driving Conditions



Split Sleeper Berth Time

Hours of Service (HOS): Final Rule

	Current Requirement (Today and until 9/30/20)	Final Rule (9/30/20) and Impacts
Short Haul	May not be on duty for more than 12 hours of driving or drive beyond a 100 air-mile radius	Changes the short-haul exception by lengthening drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit from 100 to 150 air miles. <i>Increases the number of drivers able to take advantage of the exception and shifts work and drive time from long-to short-haul.</i>
Adverse Driving Conditions	May not drive for more than 2 additional hours, no extension to maximum "driving windows"	Modifies the adverse driving conditions exception by extending by 2 hours the maximum window during which driving is permitted. <i>Likely increases use of the adverse driving conditions provision.</i>
30-Minute Break	Driver must take an off-duty break of at least 30 minutes if more than 8 consecutive hours have passed since the last off-duty or sleeper-berth period of at least 30 minutes	If property-carrying CMV driver has driven for 8 hours without at least a 30 minute interruption, they must take a break of at least 30 minutes which can be satisfied by a non-driving period (off-duty or in sleeper berth) or on-duty not-driving. <i>Minimal impacts on fatigue.</i>
Split-Sleeper Berth	Driver must spend at least 8 consecutive hours (but less than 10) in sleeper-berth, which does not count as part of 14-hour window. A second, separate rest period must be at least 2 (but less than 10) consecutive hours, which does count as part of 14-hour window	Permits drivers to split the required 10 hours off duty into at least 7 consecutive hours in the sleeper-berth and no less than 2 consecutive hours, either off duty or in the sleeper-berth. <u>Both</u> periods must equal 10 hours. Neither period counts against a driver's 14-hour driving window. <i>Drivers may use sleeper berths more frequently.</i>
Split-Duty Provision	Once duty period starts, 14-hour clock does not stop until driver takes 10 or more hours off-duty, except for a period in the sleeper-berth of at least 8 hours	Not included in Final Rule

Hours of Service (HOS): Short Haul

- **Scenario:**

- Driver begins work day at 8:00 a.m.
- Driver operates within a 150-air mile radius of the work reporting location.
- Driver *returns* to the work reporting location at 10:00 p.m. (within 14 hours).

- **Key Points:**

- You **don't** have to use an ELD or complete a paper log book.
- You **don't** have to keep supporting documents while driving.
- You **DO** have to record your starting time, ending time, and total time on duty.
- You **DO** have to obey maximum driving time requirements (11 hours for property, 10 for passenger).
- You **DO** have to have to take a minimum of 10 hours (property) or 8 hours (passenger) off duty between shifts.

Hours of Service (HOS): Adverse Driving Conditions

- **Scenario:**

- A driver is 20 miles from his destination when he encounters a bridge that is closed due to a crash. The bridge is the only access to the destination. The driver has driven 10 hours and he has been on duty for a total of 13 hours.
 - The driver—even though he will exceed 11 hours driving time and 14 hours on-duty—can proceed to destination without violating HOS rules.

- **Do's and Don'ts:**

- You **DO** have to annotate and include details about the adverse conditions (bridge closure) in the driver's EDL or paper log.
- You **DO**, as the driver, have the authority to determine adverse conditions, in addition to the dispatcher.

Hours of Service (HOS): 30-Minute Break

- **Scenario:**

- A driver begins her duty day at 6:00 a.m., and begins driving at 7:00 a.m. After driving 8 hours (from 7:00 a.m. until 3:00 p.m.), she stops for fuel and logs a 30-minute period as on-duty, not driving.

- **Key Points:**

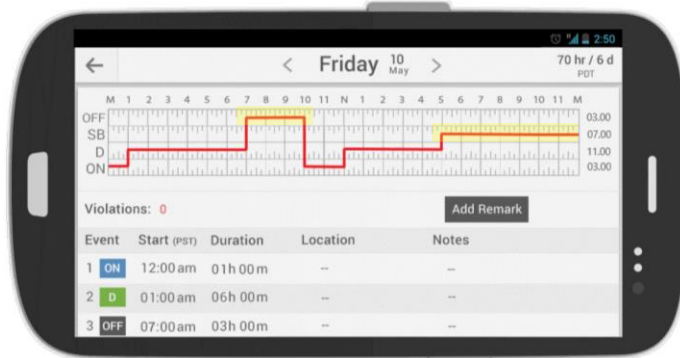
- You **DO** have to take a 30-minute break after driving for a total of 8 hours without at least one 30-minute break. The driving time does not need to be consecutive.
- You **CAN** satisfy the break requirement in an **on-duty, not driving, off-duty, or sleeper berth** status.
- You **CANNOT** satisfy the break requirement with short, non-consecutive off-duty periods to reach 30-minutes of non-driving time. For example:
 - 15 minutes off duty, then driving for 3 hours, then another 15 minutes off-duty **IS NOT** a valid break.
- Two consecutive off-duty periods **DOES** count as a break
 - 15 minutes on-duty, not driving immediately followed by 15 minutes off-duty **IS** a valid break.



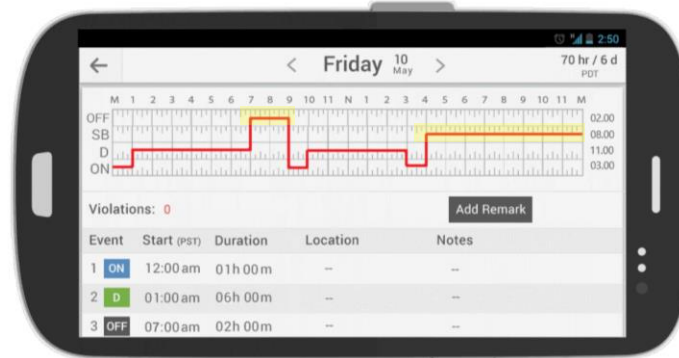
Hours of Service (HOS): Split Sleeper Berth

- **Scenario:**

Day 1: Driver used a 7/3 split



Day 2: Driver used an 8/2 split



Examples from: www.fmcsa.dot.gov

- **Key Points:**

- When used together, one of the “sleeper berth” periods count against the driver’s 14-hour window.
- The split sleeper or off-duty time must always add up to at least 10 hours total.
- Driving time can never exceed 11 hours.

Hours of Service (HOS): Final Rule

- September 29th effective date
 - ELD Vendors and Software Suppliers
 - CVSA training of roadside enforcement
 - Driver and Carrier training
- Request for reconsiderations *could* delay effective date
 - Requests must raise concerns that FMCSA did not adequately address
 - FMCSA *could* clarify concerns before effective date
- Highway Bill
 - Contains a provision to “evaluate impacts of exemptions before finalizing changes to hours of service rules...”

Rest and Meal Break Petition



ATA's Meal and Rest Break Petition

- October 4, 2018—FMCSA published ATA's petition filed with the U.S. DOT seeking preemption of California's redundant meal and rest break requirements.
- Section 31141 title 49 of the United States Code, the Secretary of Transportation has the authority to determine that state laws on commercial vehicle safety that conflict with federal safety standards or burden interstate commerce may not be enforced.
- 30 day comment period closed on October 29th.
 - 532 comments received
 - Association of American Railroads Support
 - International Brotherhood of Teamsters Opposed
 - American Association of Justice Opposed



ATA's Meal and Rest Break Petition

- December 21st, FMCSA approved ATA's petition to pre-empt California's meal-and-rest break rules.
 - Applies to “drivers of property-carrying CMVs subject to FMCSA's HOS rules”
- FMCSA concluded that state's rules are more stringent than and incompatible with federal hours-of-service rules, have no safety benefit beyond federal regulations, and cause an unreasonable burden on interstate commerce.
- The Teamsters Union filed a petition asking to reverse the Agency's ruling.
 - Oral arguments for challenges *could* be scheduled later this year or next year.





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