



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Federal Motor Carrier Safety Administration



Hours of Service

Question & Answer Session

December 2020

Agenda

- Summary of the HOS final rule
- Answer pre-submitted questions
 - Short-haul
 - Adverse driving conditions
 - 30-minute break
 - Sleeper berth
- Address write-in questions from participants

Hours of Service (HOS) Final Rule

- Final rule went into effect at **12:01 a.m. ET on September 29, 2020**
- HOS final rule changes the following 4 provisions



**Short-Haul
Exception**



**Adverse Driving
Conditions
Exception**



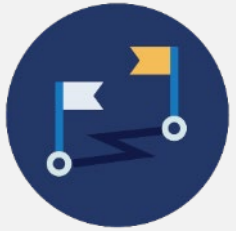
**30-Minute Break
Requirement**



**Sleeper Berth
Provision**

Short-Haul Exception





Short-Haul Exception

Passenger and property carriers using short-haul exception **are not required to:**

- Use a RODS or an ELD
- Take a 30-minute break ([§395.1\(e\)\(1\)](#)) after 8 cumulative hours of driving

HOS final rule:

1 Short haul drivers must operate within a **150 air-mile radius**, and start/end duty period at same reporting location

2 Maximum duty period is **14 hours**

Short-Haul Exception and Logs



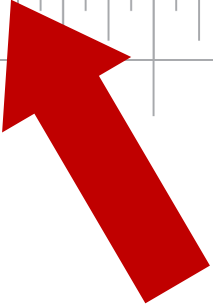
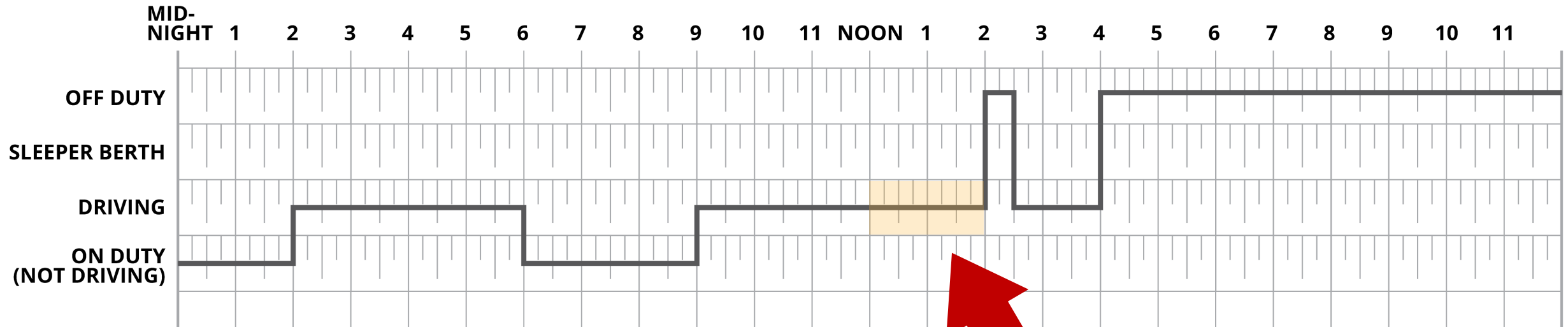
While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD), they can use a time record instead

- Motor carrier must record the driver's time in, time out, and total number of hours per day
 - Records must be maintained for 6 months
 - *(For new hires or drivers used intermittently (§395.8(j)(2)), time record must include the total time for the 7 preceding days*
- **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

What should be used as the start/end location for the 150 air-mile radius when using the short-haul exception (home, business, rest stop)?



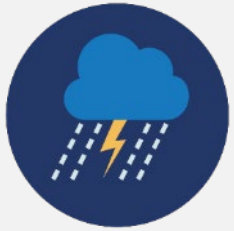
What happens if a short-haul driver encounters an adverse driving condition and is unable to return to the reporting location within 14 hours?



**Adverse driving condition:
stuck on road in accident-
related traffic**

Adverse Driving Conditions Exception



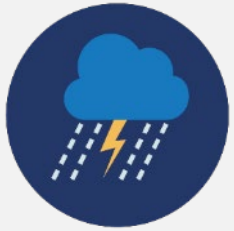


Adverse Driving Conditions Exception

Under the previous rule, drivers were granted an exception to the 10- or 11-hour driving limits when unforeseeable adverse driving conditions affected their route

HOS final rule:

- 1 Drivers can extend duty day and driving time by up to 2 hours when adverse driving conditions are encountered**
 - Applies to both:
 - Property carrier 14-hour driving window ([§395.3\(a\)\(2\)](#))/11 hour driving limit and
 - Passenger carrier 15-hour on-duty limit ([§395.5\(a\)\(2\)](#))/10 hour driving limit
- 2 Updates the adverse driving conditions definition to include the role of the driver**



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



Do accidents involving the driver qualify as adverse driving conditions?



Can the driver use the adverse driving conditions exception even if the adverse condition has cleared when the driver arrives at the location where the condition occurred?



Are drivers required to annotate the type of adverse driving condition encountered on their ELD?



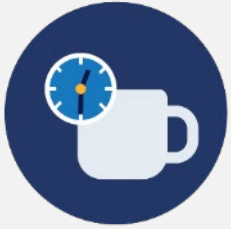
When should I record the adverse driving condition exception?

- When the condition occurs? **or**
- At the end of my day, when I am over hours due to the adverse condition?



30-Minute Break





30-Minute Break Requirement

HOS final rule:

- 30-consecutive-minute break is required after 8 cumulative hours of **driving** without at least a 30-minute break
- 30-minute break can be satisfied by:
 - ✓ **Off-duty**
 - ✓ **Sleeper berth**
 - ✓ **On-duty not driving**

Does the 30-minute break have to be consecutive?

Yes, 30 minutes must be consecutive.



10 minutes
Off-duty



20 minutes
On-duty,
not driving



30 minutes
Consecutive
break

Can yard moves and roadside inspections count toward the 30-minute break requirement?



Yard moves



Roadside inspections



Sleeper Berth Provision





Sleeper Berth Provision

Allows drivers to split 10-hour off-duty period, as long as:

- **One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long**, and
- **The other involves at least 7 consecutive hours in the sleeper berth**
- **Added together, the periods must total at least 10 hours**

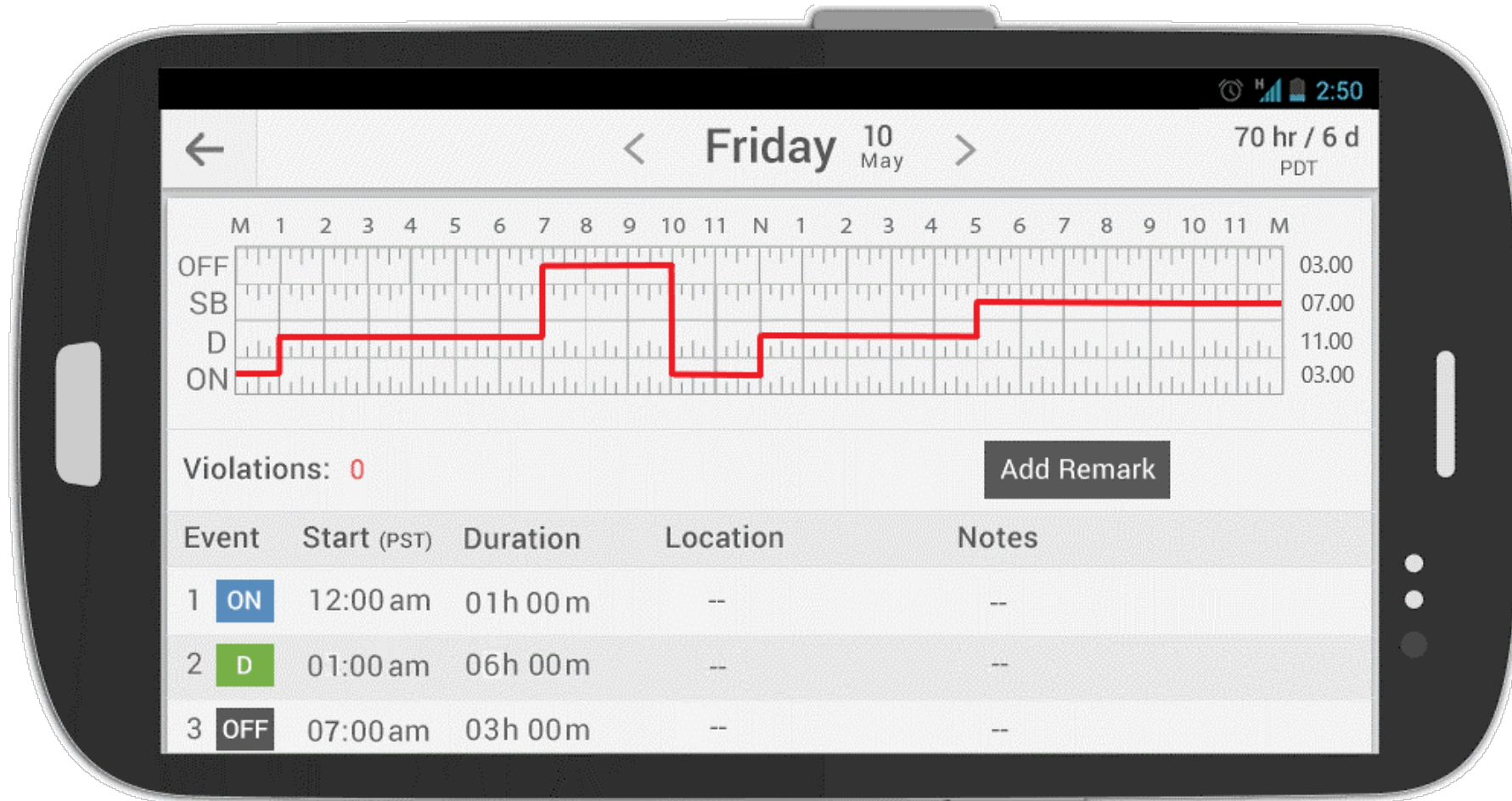
When used together, neither period counts against the 14-hour driving window

How may a driver using the sleeper berth provision obtain the off-duty time required by 395.3(a)(1)?

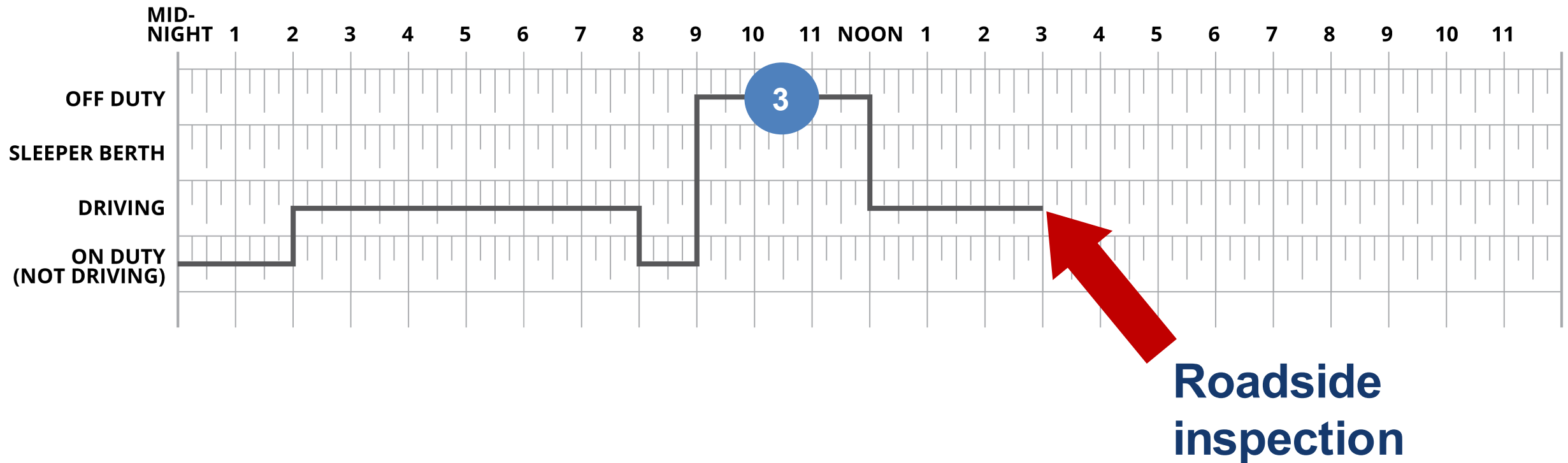
By accumulating:

- At least 10-consecutive hours off-duty
- At least 10-consecutive hours of sleeper berth time
- Combination of consecutive sleeper berth and off-duty time amounting to at least 10 hours
- Combination of sleeper berth time of at least 7-consecutive hours and up to 3 hours riding in the passenger seat, amounting to at least 10-consecutive hours
- The equivalent of at least 10-consecutive hours off-duty using the split sleeper berth provision

How are the rest periods used in determining compliance with the 11-hour driving and 14-hour “driving window” rules?



What if a driver is stopped for an inspection in between two intended rest periods?

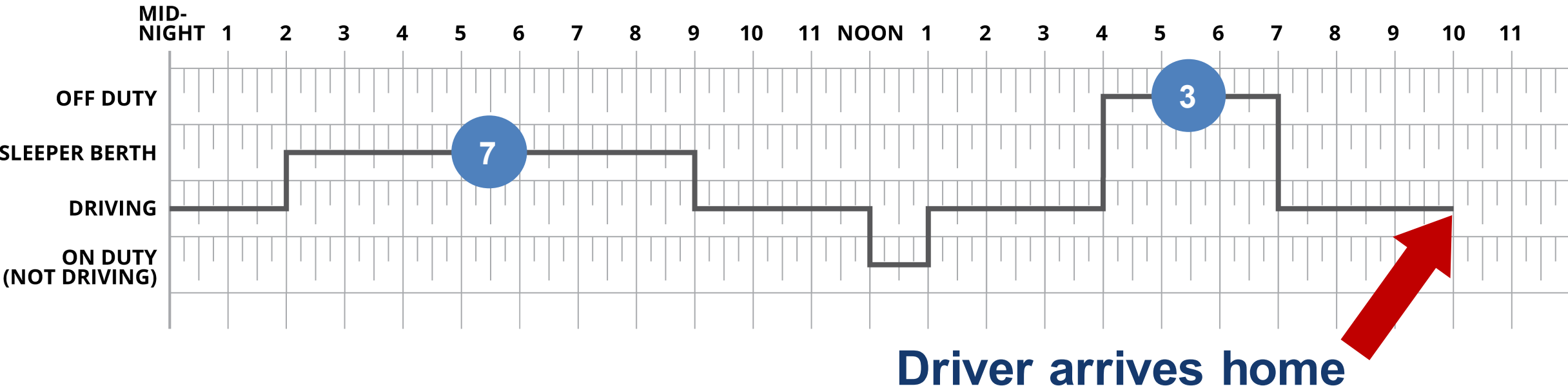


May a 10-consecutive hour off-duty period be paired with a subsequent qualifying 7+-consecutive hour sleeper berth period?



Under the sleeper berth provisions, a driver takes 7 hours in the sleeper berth and later takes an off-duty period of 3 hours before arriving at home.

When the driver arrives home within the permissible hours, what rest is required to reset their “day clock”?



Participant Questions



More Information & Resources



For information, visit:

<https://www.fmcsa.dot.gov/regulations/hours-of-service>

- Fact sheets
- Presentation
- Recorded webinars