



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



Hours of Service

Question & Answer Session

July 2020

Agenda

- Provide brief background on HOS final rule
- Answer pre-submitted questions
 - HOS final rule in general
 - Short-haul
 - Adverse driving conditions
 - 30-minute break
 - Sleeper berth
 - Interaction among provisions
- Address write-in questions from participants

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 regulations change?

- HOS final rule was developed based on direct input from truckers, industry, safety advocates, Congress, and the American people
- Rule will result in regulatory savings of nearly \$274 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

No Changes to Who is Subject to HOS Regulations

Drivers of a commercial motor vehicle (CMV) that is used as part of a business, is involved in interstate commerce, and fits any of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- Is transporting hazardous materials in a quantity requiring placards

When do drivers and carriers need to begin operating in compliance with the HOS final rule?

COMPLIANCE DATE

SEPT.
29



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

How will the HOS final rule affect Electronic Logging Devices (ELDs)?



Short-Haul Exception





Short-Haul Exception

Passenger and property carriers using the short-haul exception are not required to use a RODS or ELDs, or take a 30-minute break ([§395.1\(e\)\(1\)](#))

HOS final rule:

- 1 Extends maximum driving distance allowed under the short-haul exception from a 100 to a **150 air-mile radius**
- 2 Extends maximum duty period from 12 to **14 hours**

Short-Haul Exception



- No other provisions of the [§395.1\(e\)\(1\)](#) short-haul exception changed
- [§395.1\(e\)\(2\)](#) (property-carrying) New HOS rule does not change the non-CDL short-haul exception in

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 hours off (passenger) or 10 hours off (property) between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

May a driver who is using the short-haul exception in [§395.1\(e\)](#) be intermittently off-duty during the period away from the work-reporting location?



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 Extends the duty day by 2 hours when adverse driving conditions are encountered**
 - In addition to the 2 hours of driving time already allowed, and **applies to both:**
 - **Property carrier 14-hour driving window** ([§395.3\(a\)\(2\)](#)) and
 - **Passenger carrier 15-hour on-duty limit** ([§395.5\(a\)\(2\)](#))
- 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

What is a “qualifying rest break” based on how it is used in the adverse driving conditions definition?

*“...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...”*



Are there any restrictions on how often the adverse driving conditions exception can be used?



Can the adverse driving conditions exception be used to cover delays caused by...



Detention time, breakdowns, or enforcement inspections?

No



Loading/unloading?

No



Road construction or detours?

No, except when they could **not** reasonably be known before the driver started driving (such as accidents)

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



If a driver encounters an adverse driving condition, but the delay doesn't cause the driver to be in violation of any regulations, is the driver required to use the exception?



30-Minute Break





30-Minute Break Requirement

Under the previous rule, property-carrying drivers were required to take a 30-minute break after 8 hours **on-duty** [§395.3\(a\)\(3\)\(ii\)](#)

HOS final rule:

- 1 30-minute break is required after **driving** for a total of 8 hours (driving time does not need to be consecutive) without at least a 30-minute break
- 2 30-minute break can also be satisfied by an “on-duty not driving period”

Previous

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



When must a driver take the 30-minute break?



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

Does the 30-minute break count toward the 14-hour driving window for property-carrying drivers?



Can a driver use on-duty, not driving time during a roadside inspection to satisfy the 30-minute break?



Can a driver use yard moves to satisfy the 30-minute break?



Will the 30-minute driving break be incorporated into the Alaska hours of service rules?



Sleeper Berth Provision





Sleeper Berth Provision

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

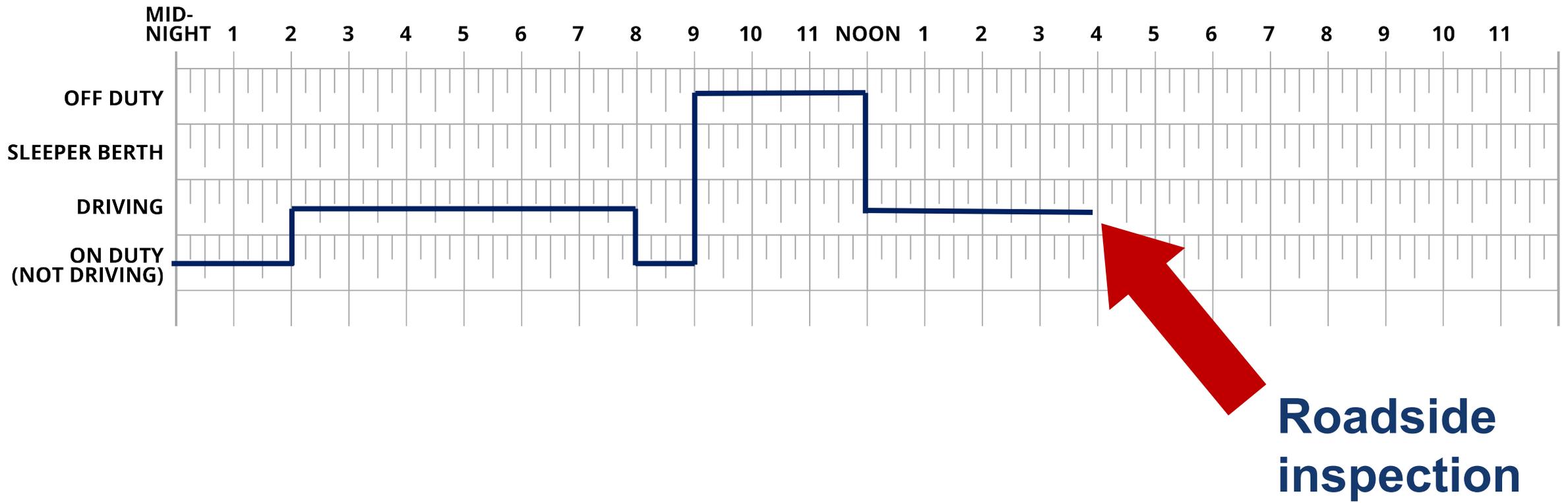
- **One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long**, and
- **The other involves at least 7 consecutive hours in the sleeper berth**

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

- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window

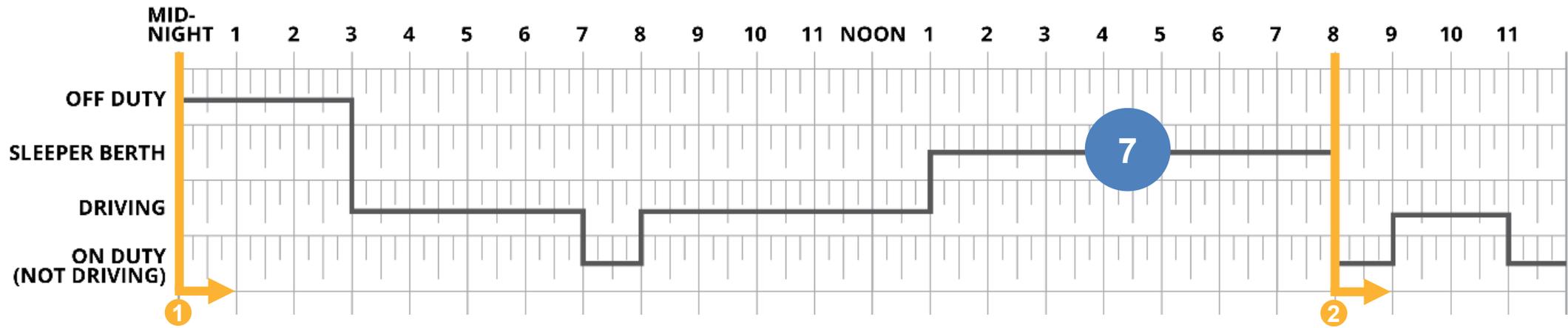


What if a driver is stopped for an inspection in between two intended rest periods?

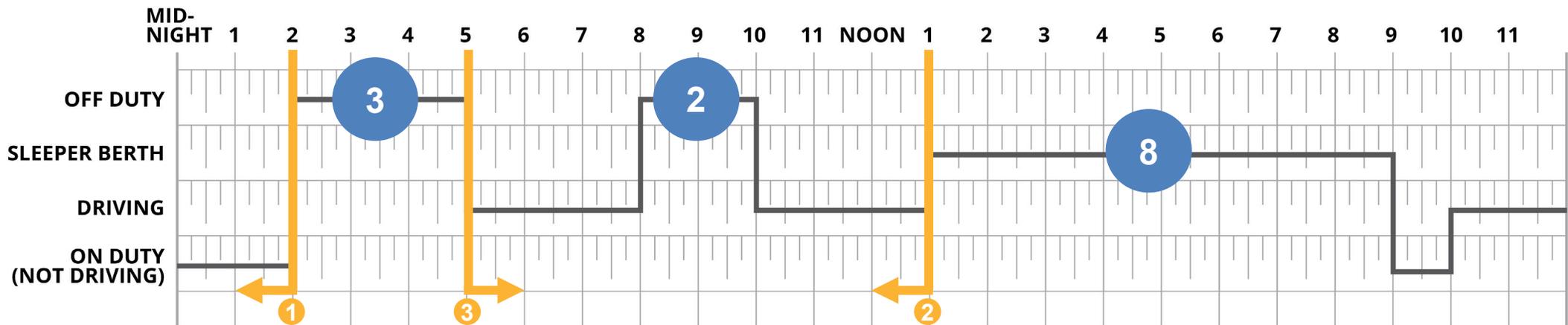


A driver using the sleeper berth provision takes the following breaks, 7 sleeper, 3 off-duty, 2 off-duty, 8 sleeper. If the driver wants to pair the 7 and the 3, would the driver also be able to pair the 2 and 8?

Day 1



Day 2



Can the driver switch back and forth between the sleeper berth provision and the regular HOS regulations?



Using the sleeper berth provision, a driver takes 7 hours in the sleeper berth, and later takes an off-duty period of 3 hours before arriving at home, what rest is required?



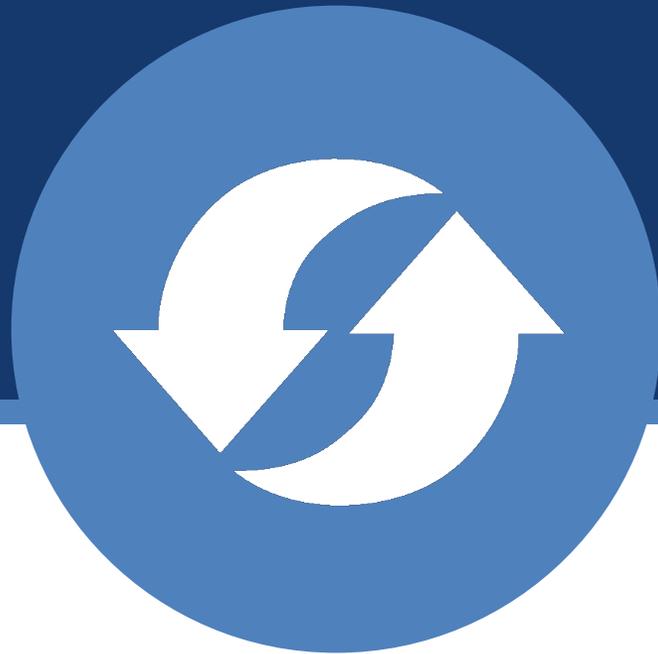
A driver takes 7 hours in the sleeper berth and 4 hours off-duty consecutively, for a total of 11 hours off.

Does this combination count as a qualifying sleeper berth period?

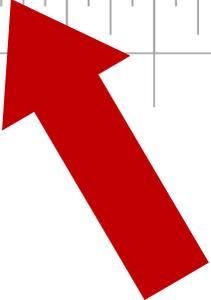
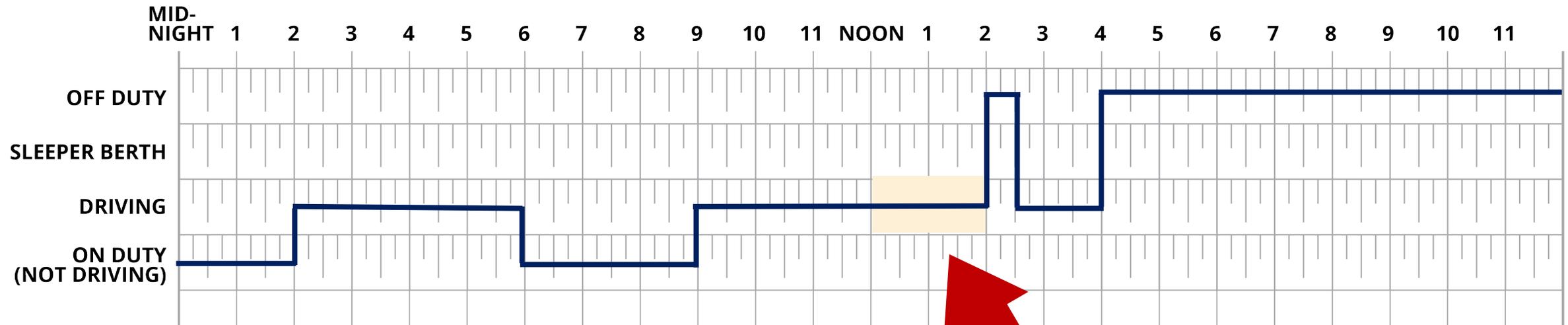
If so, how much time is counted toward the break (7 hours or 11 hours)?



Interaction Among Provisions



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**

Do you need to use the 30-minute break if you are using the sleeper berth provision?



Participant Questions



More Information & Resources



For information, visit:

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

- Fact sheets
- Presentation
- Recorded webinars