



April, 2003

Safety is the Top Priority of the Bush Administration

The final rule:

- ▶ Will save up to 75 lives and prevent as many as 1,326 fatigue-related crashes annually.
- ▶ Moves towards a 24-hour work-rest cycle.
- ▶ Increases the opportunity for restorative sleep by increasing the amount of off-duty time by two hours.
- ▶ Strikes a balance between uniform, consistent enforcement, and operational flexibility.



Background

Existing Hours-of-Service (HOS) rules were adopted in 1939.

- ▶ One modification in 1962.

Current rulemaking mandated by Congress in 1995.

- ▶ Due to increasing CMV crash fatalities,
and
- ▶ Public concern for driver fatigue.



Objectives of the HOS Revisions

- ▶ **To permit commercial motor vehicle (CMV) drivers additional opportunities for quality rest and restorative sleep,
and**
- ▶ **To reduce the number of crashes caused by drowsy, tired, or fatigued CMV drivers.**



Hours-of-Service Applicability

Current Rules

Apply to all motor carriers and CMV drivers, with some exceptions for specific operations including:

- Oil field
- Agricultural
- Ground water well drilling
- Construction Materials & Equipment
- Utility Service Vehicles

New Rules

Apply only to property-carrying motor carriers and CMV drivers, with similar exceptions for specific operations including:

- Oil field
- Agricultural
- Ground water well drilling
- Construction Materials & Equipment
- Utility Service Vehicles



Hours-of-Service Applicability

Do not apply to Interstate Passenger Carriers.

**They will continue to comply with the rules in effect on
October 1, 2002**



Hours-of-Service Regulations

Old Rules

All CMV drivers may not drive:

- ▶ More than 10 hours, following 8 hours off-duty.
- ▶ After 15 hours on-duty, following 8 hours off-duty.
- ▶ After 60/70 hours on-duty in 7/8 consecutive days.

New Rules

Property-Carrying CMV drivers may not drive:

- ▶ More than 11 hours, following 10 hours off-duty.
- ▶ Beyond the 14th hour after coming on-duty, following 10 hours off-duty.
- ▶ After 60/70 hours on-duty in 7/8 consecutive days.



New HOS Rules

34-Hour Restart

Truck drivers may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty as long as the driver has not exceeded 60/70 hours on duty.



Or, Simply Stated . . .

OLD

NEW

10 Hours Driving



11 Hours Driving

15 Hours On-Duty
(breaks may extend
time on duty)



14 Consecutive Hours
On-Duty (breaks do not
extend on-duty time)

8 Cumulative Hours
Off-Duty



10 Cumulative Hours
Off-Duty

60/70 in 7/8 Days



60/70 in 7/8 Days



34-Hour Restart



16-Hour Exception for Property-Carrying Drivers

Drivers may extend the 14-hour on-duty period by 2 additional hours **IF THEY:**

- ▶ Are released from duty at the normal work reporting location for the previous 5 duty tours; **AND**
- ▶ Return to their normal work reporting location and are released from duty within 16 hours; **AND**
- ▶ Have not used this exception in the previous 6 days, except following a 34-hour restart of a 7/8-day period.

Total hours driving may not exceed 11 hours.



Passenger-Carrying Operations

Passenger-Carrying CMV drivers may not drive:

- More than 10 hours, following 8 hours off-duty.
- Beyond the 15th hour after coming on-duty, following 8 hours off-duty.
- After 60/70 hours on-duty in 7/8 consecutive days.



Property and Passenger-Carrying Operations

- If a property or passenger-carrying driver works more than one job of any kind, that time must also be included as On-Duty Time.



Exceptions and Exemptions

Oil Field Operations, Ground Water Well Drilling Operations, Construction Materials and Equipment, and Utility Service Vehicles

These motor carriers retain the 24-hour restart exception for 7/8 day duty periods, but must comply with the new HOS rules including:

- ▶ **10 consecutive hours off-duty;**
- ▶ **11-hour driving limitation; and,**
- ▶ **14-hour on-duty limitation (including the 16-hour exception).**



Exceptions and Exemptions

Oilfield Operations - No change in 24-hour restart.

- ▶ CMV drivers used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry may end any period of 8 consecutive days with the beginning of any off-duty period of 24 or more successive hours.
- ▶ Specially trained drivers of CMVs which are specially constructed to service oil wells shall not include waiting time at a natural gas or oil well site as on-duty time; provided, all such time is fully and accurately accounted for in records to be maintained by the motor carrier.



Exceptions and Exemptions

Ground Water Well Drilling – No change in 24-hour restart.

In the instance of a driver of a CMV who is used primarily in the transportation and operations of a ground water well drilling rig, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.



Exceptions and Exemptions

Construction Materials and Equipment – No change in 24-hour restart.

In the instance of a driver of a CMV who is used primarily in the transportation of construction materials and equipment, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.



Exceptions and Exemptions

Utility Service Vehicles – No change in 24-hour restart.

In the instance of a driver of a utility service vehicle, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.



Exceptions and Exemptions

Agricultural Operations – No Change

The provisions of Part 395 shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

- ▶ Is within a 100 air-mile radius from the source of the commodities or the distribution point for the farm supplies, AND
- ▶ Is conducted during the planting and harvesting seasons within such State, as determined by the State.



Exceptions and Exemptions

100 Air-mile radius exemption

A driver is exempt from maintaining the driver's daily log requirements if:

- The driver operates within a 100 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive hours.
- Each 12 hours on duty are separated by at least:
 - 10 consecutive hours off duty for property-carrying drivers
 - 8 consecutive hours off duty for passenger-carrying drivers.



Exceptions and Exemptions

- The driver does not exceed a maximum of:
 - 11 hours driving time following 10 consecutive hours off duty for property-carrying drivers.
 - 10 hours driving time following 8 consecutive hours off duty for passenger-carrying drivers.
- The motor carrier that employs the driver maintains accurate and true time records for a period of 6 months showing:
 - The time the driver reports for duty each day
 - The total number of hours the driver is on duty each day
 - The time the driver is released from duty each day
 - The total time for the preceding 7 days for first-time or intermittent drivers.



Record-Keeping Requirements

- ▶ Current record-keeping rules remain the same with no changes for all truck and bus drivers.
- ▶ Current records of duty status (log books) and supporting documents remain the same for all truck and bus drivers.
- ▶ 100 air-mile radius truck and bus drivers may continue to use a time card or time sheet as their record of duty status.



Record-Keeping Requirements

Driver's Record of Duty Status

- Every driver shall prepare a record of duty status (daily log) in his/her own handwriting for each 24 hour period, unless operating under the 100 air-mile radius exemption.
- Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.



Record-Keeping Requirements

Submitted/Retained duty status log:

- The driver must submit the original log sheet to the employing carrier within 13 days after completion.
- When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement including:
 - The total time on duty during the immediately preceding 7 days
 - The time at which he/she was last relieved of duty.
- Records of duty status and all supporting documents must be maintained for at least 6 months.



Additional Research On Compliance Technologies

- ▶ Electronic On-Board Recorders (EOBR) are not mandated.
- ▶ Other technologies offer potential for HOS record-keeping.
- ▶ FMCSA will continue research on EOBRs and other compliance technologies.
- ▶ Research factors will assess:
 - Ability to identify driver
 - Tamper resistance
 - Data accessibility at roadside
 - Driver acceptability
 - Operational/proprietary security
 - Cost/benefit
 - Ability to produce records for audits



Additional Research On Compliance Technologies

- Motor carriers may require a driver to use an automatic on-board recording device to record duty status.
- The driver must still have automated or written records of duty status in his/her possession for the previous 7 consecutive days.
- All hard copies of the driver's records of duty status must be signed by the driver.



Impact on Other FMCSRs

390.23 Return to Duty After Emergency Declaration

- ▶ Driver must be off 10 hours vs. 8 hours.
- ▶ Driver must be off 34 hours if on-duty more than 60/70 hours in 7/8 consecutive days.

395.1(b) Adverse Driving Conditions

- ▶ Adds 2 hours to the 11 hours driving
- ▶ Driver must comply with 14-hour rule



Impact on Other FMCSRs

395.1(e) 100 Air-Mile Radius Driver

- ▶ 10 hours off-duty vs. 8 hours
- ▶ Limited to 11 hours driving
- ▶ May continue to use a time card or time sheet as their record of duty status.

395.1(g) Sleeper Berths

- ▶ 2 separate periods with a minimum of 2 hours (totaling 10 hours)
- ▶ Can combine consecutive sleeper time and off-duty time (totaling 10 hours)



Impact on Other FMCSRs

395.1(j) Travel Time

- ▶ Considered off-duty if the driver remains off-duty for 10 consecutive hours upon arrival at the destination.

395.15(j) Automatic On-Board Recording Devices

- ▶ Devices must be updated to reflect new HOS limitations (11, 14, 16, 60/70 + 34-Hour Restart).



Compliance Dates for Changes

- ▶ Carriers/drivers must comply with existing hours-of-service rules through January 3, 2004.
- ▶ Mandatory compliance with new hours-of-service rules begins for all carriers/drivers on January 4, 2004.



HOS Rule Implementation

During the implementation period, the FMCSA must:

- ▶ Train enforcement officers;
- ▶ Modify computer systems; and,
- ▶ Develop educational tools for the industry and the public.

This also allows motor carriers subject to the hours-of-service rule to:

- ▶ Educate their employees; and,
- ▶ Make any operational changes necessary to comply with the new regulations.



HOS Rule Implementation

- ▶ The FMCSA will distribute limited quantities of education/outreach materials to organizations on the day of publication. Larger quantities will be distributed within 90 days of the compliance date.
- ▶ Educational materials regarding the new HOS regulations will be posted on the FMCSA web site.
- ▶ Prior to January 4, 2004, motor carriers and law enforcement will operate under the existing HOS rules.



HOS Rule Implementation

- ▶ FMCSA must modify its computer systems: CAPRI, MCMIS, SAFETYNET, EMIS, UFA, and ASPEN to incorporate the regulatory changes.
- ▶ FMCSA must train the Federal and State enforcement staffs to use the new information systems.
- ▶ FMCSA must work with the CVSA to amend the Driver Out-of-Service criteria prior to January 4, 2004.



HOS Rule Implementation

- ▶ FMCSA must update its Field Operations Training Manual and Motor Carrier Regulatory Information System (MCREGIS) in the six months following publication.
- ▶ FMCSA will update its education and technical assistance (ETA) packages, alert the truck driver training institutions, and modify all other HOS educational materials prior to January 4, 2004.



HOS Rule Implementation

Motor Carrier Safety Assistance (MCSAP) Program

- ▶ FMCSA plans to encourage States to adopt compatible rule changes as soon as possible.
- ▶ As allowed by § 350.335(b), FMCSA plans to provide States up to three years after publication to adopt compatible rule changes.



Questions?

www.fmcsa.dot.gov

