



Delivering Flexibility And Efficiency, The FMCSA Revises Hours Of Service Rule

Insights

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The Federal Motor Carrier Safety Administration recently released a Final Rule on Hours of Service Drivers, revising its current regulations to provide drivers with more flexibility. By expanding existing exceptions and relaxing requirements, this new rule will make it easier for carriers and drivers to comply with the hours of service regulations. The FMCSA issued this rule, which will be effective on September 29, 2020, in a further attempt to aggressively promote efficiency while maintaining high safety standards.

The New Rule

1. Expands the short-haul exception to 150 air-miles and allows a 14-hour work shift to take place as part of the exception.

The exceptions to the HOS rules are the most scrutinized section of the regulations, because they allow drivers to avoid creating a Records of Duty Status using an Electronic Logging Device. And the short-haul exception for property drivers is likely the most used exception to the HOS rule. Allowing Commercial Driver's License drivers that report daily to the same location to drive a Commercial Motor Vehicle without completing RODS or using ELDs, it affects every industry that uses CDL drivers.

Previously, the short-haul exception only allowed drivers to operate within a 100 air-mile radius and work 12-hour shifts. With one air mile equaling approximately 1.15 land miles, the benefits of the distance and time extensions in the revised rule is significant. It will allow businesses to expand operations without creating RODS or rotating drivers to keep them eligible for the exception within a rolling 30-day period. The new rule will be much like the short-haul exception applied to vehicles that do not require a CDL. Addressing a shortage of CDL drivers, this rule may also help businesses outside the trucking industry to pursue additional work because they will need fewer CDL drivers.

2. Expands the driving window during adverse driving conditions by up to an additional 2 hours.

This change does not permit increased driving time, still allowing only 12 hours of driving. Rather, it increases the driving window from 14 to 16 hours for property carriers and 17 hours for passenger carriers under adverse driving conditions. The weather that constitutes "adverse conditions" remains the same, but the new rule references the driver in the definition to include that drivers may determine when such conditions exist. Finding that expanding the driving window will encourage slower driving and provide drivers more time to both complete their run or reach a safe location, the FMCSA believes that the rule change will make the roads safer.

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3. Requires a 30-minute break after 8 hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break.

The current rule requires that drivers are off-duty during their break and must take a break after being on-duty for 8 hours, regardless of their time spent driving. Focusing upon limiting driving, when a driver is not actively driving for at least 30 minutes it counts as the required break. The agency believes that this rule will not decrease the breaks that drivers take, instead supplying flexibility for when they take a continuous 30-minute break. Now drivers can count paperwork, fueling, and loading and unloading as breaks.

4. Modifies the sleeper berth exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7, rather than at least 8 hours of that period in the berth and a minimum off-duty period of at least 2 hours spent inside or outside of the berth, provided the two periods total at least 10 hours , and that neither qualifying period counts against the 14-hour driving window.

Currently, the sleeper berth rule requires an 8-hour period in the berth and a 2-hour off-duty period that counts against the driving window. Considering that most drivers sleep between 6 and 8 hours, the FMCSA reasons that requiring them to spend a full 8 hours in the sleeper berth simply limits their ability to take more rest breaks. The new rule requires that drivers are off-duty for 10 hours broken into two periods: one of at least 7 hours in the sleeper berth, and one of at least two hours off-duty. Together, neither counts against the driving window. Like the other changes, this revision to the sleeper berth rule gives drivers more flexibility, allowing them to take more breaks to nap and rest. The FMCSA believes that this change will increase efficiency while maintaining safety, because studies show that most drivers sleep between 6 to 8 hours and naps and breaks allow drivers to avoid physiological sleepiness or performance deficits.

Conclusion

Increased flexibility in the HOS rules should create more efficiency in industries that require CDL drivers. The revision to the HOS rule also recognizes that more flexibility allows drivers to manage their break time, allowing them to rest when tired, avoid traffic, and generally better manage their driving. Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 1, 2020.

Service Focus

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