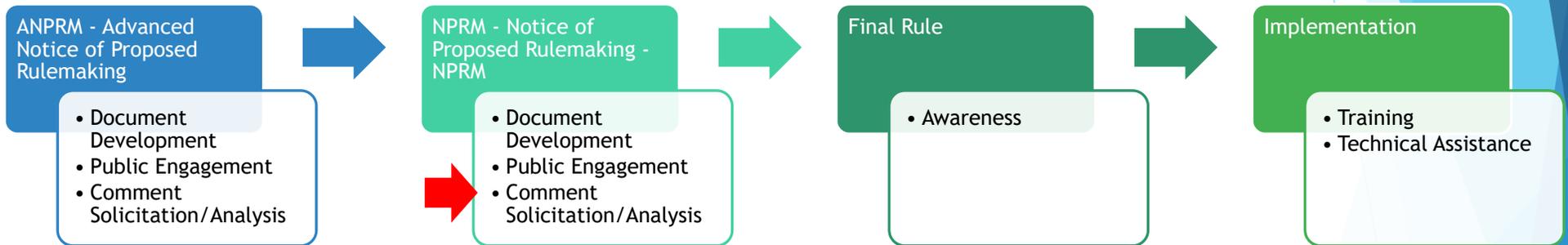




Hours of Service

Notice of Proposed Rulemaking

Rulemaking Process



Background

FMCSA began work on an Advanced Notice of Proposed Rulemaking (ANPRM) in 2018 in response to widespread Congressional, industry, and citizen concerns surrounding existing hours of service (HOS) rules. The purpose of the ANPRM was to seek feedback from the public to determine if HOS revisions may alleviate unnecessary burdens placed on drivers while maintaining safety on our nation's highways and roads.

ANPRM:

- ▶ Was published and open for comment last year from August 23, 2018 to October 10, 2018;
- ▶ Agency received more than 5,000 comments;
- ▶ Considered 4 areas for revision (and 2 related petitions)
- ▶ Was used to develop this Notice of Proposed Rulemaking (NPRM)

Goals of the Proposed Rule

Improved Safety. Increased Flexibility.

- ▶ The Department's proposed rule on hours-of-service regulations seeks to improve safety by providing additional flexibility for the nation's commercial motor vehicle drivers.
- ▶ The Department believes this proposal will improve safety by offering the flexibility drivers need to not feel like they must race the clock, needlessly drive through congestion, or have troubles finding safe parking.
- ▶ This proposed update to hours-of-service rules is designed to improve safety, but will also provide critical regulatory savings (\$270 million) for the American economy.
- ▶ This rule is still only a proposal and an additional comment period is now open. We strongly encourage everyone to submit their comments to the federal register and take part in shaping this critical reform.

Adverse Driving Conditions Exception



Adverse Driving Conditions Exception: FMCSA is proposing to change the adverse driving conditions exception by extending the duty day by 2 hours when adverse driving conditions are encountered. This is in addition to the additional 2 hours of driving time already allowed.

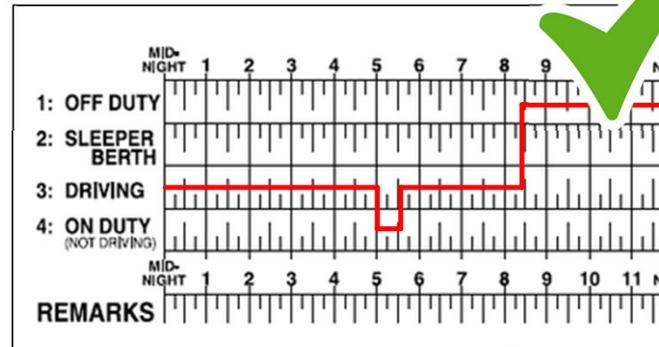
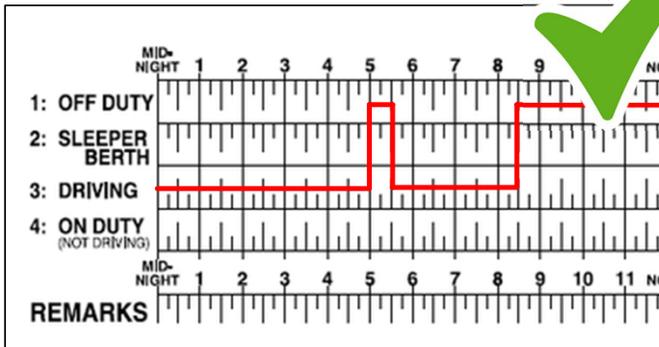
The proposed change would apply for both property-carrying (14 hour “driving window”) and passenger-carrying (15 hour “driving window”) operators.

Example: A driver is 15 miles from his destination when he hears of a gravel spill on the bridge just ahead (the bridge is the only access to the destination). He has an hour left of driving time and an hour left in his driving day. Under the new proposal this driver can stop at the rest stop at the next exit (for up to 2 hours) and let the road clean up crew work and still have time to get to his destination without violating HOS rules.

30-Minute Break Rule

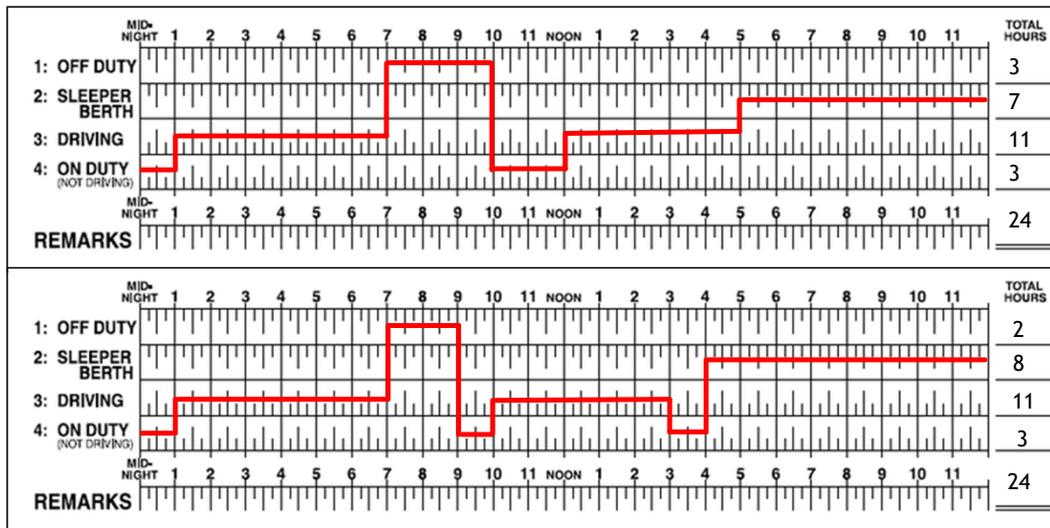
30-Minute Break Rule: FMCSA is proposing to change the 30-minute break rule by allowing the requirement to be satisfied by an on-duty break (in addition to an off-duty break). The requirement for property-carrying drivers would be applicable in situations where a driver has driven for a period of 8 hours without at least a 30-minute interruption.

Example: The examples below assume the driver has driven for 8 hours and needs to take a 30 minute break. Currently only the log book in the left is in compliance with the HOS rules. Under this proposal both examples are compliant.



Split Sleeper-Berth Exception

Split Sleeper-Berth Exception: FMCSA is proposing to change the sleeper-berth exception so that neither part of the split would count against the 14 hour driving window. Drivers would be able to utilize a 7/3 (or 8/2) split break.



Example: This example assume the driver starts day 1 having just come off a 10 hour consecutive off duty period. In this 2 day log example you can see that none of the 4 break periods count against the driver's 14 hour window. Additionally, you can see that both a 7 and 3 split was used, as well an 8 and 2 split.

Focus Questions

NPRMs often ask questions, similar to ANPRMs. We continue to seek input and data from industry and the public on a number of questions included throughout the NPRM. These questions cover a range of topics so read carefully. While we are interested in hearing back on all those questions in the NPRM, here are a few we'd like to focus on:

- ▶ FMCSA is interested in comments and any supporting data on the possibility of a 6 and 4 hour split break.
- ▶ What operations would benefit from multiple off duty periods totaling 3 hours?
- ▶ How often do work shifts require an individual to drive more than 8 hours without at least a 30-minute change in duty status?
- ▶ Understanding adverse conditions cannot be predicted, will drivers utilize this provision more often after the proposed changes?

Comments

- ▶ **Docket Number:** FMCSA-2018-0248
<https://www.regulations.gov/docket?D=FMCSA-2018-0248>
- ▶ **Submit a Comment:** If you'd like to comment on any of the topics discussed please go to the docket. There you can view the full NPRM, submit a comment and view other people's comments.
- ▶ **Comment Period:** PLACEHOLDER FOR DATES
- ▶ **Additional Information:**
<https://www.fmcsa.dot.gov/content/hours-service-nprm>