

Hours-of-Service Regulation

March 17, 2017

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PRESENTER



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WHO MUST COMPLY

Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle, or CMV.

In general, a CMV is a vehicle that is used as part of a business and 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
- A vehicle that is involved in interstate *or* intrastate commerce and is transporting hazardous materials in a quantity requiring placards is *also* considered a CMV

INTERSTATE COMMERCE

Interstate commerce occurs when the shipper intends to have cargo transported to another State or country.

That cargo is in interstate commerce from the moment it leaves that shipper until it arrives at its destination.

If a truck hauls that cargo, even within a single State, that transportation is considered to be in interstate commerce.



INTRASTATE COMMERCE

Intrastate commerce means transportation not covered by the definition of interstate commerce.

Usually (but not always) that means the cargo stays, or the services occur, within a single State.

If a driver is operating in intrastate commerce only, the Federal hours-of-service regulations do not apply. However, most States have regulations that are similar or identical to the Federal regulations.

AIR MILES AND STATUTE MILES

Air Miles and Statue Miles

In the short-haul exceptions to the hours-of-service regulations, will see the term “air miles.” This is a different measurement of a mile than what is used for statute miles on a roadmap.

An air mile is longer than a statue miles. There are 6,076 feet in an air mile and 5, 280 feet in a statue mile. One-hundred air miles is equal to 115.08 statute miles

Therefore, a 100 air-mile radius from your work reporting location can be figured as 115.08 statute, or “roadmap,” miles (185.2 km) from your work reporting location. A 150 air-mile radius from your work reporting location can be figured as 172.6 statue miles (277.8 km).

“ON-DUTY TIME”

What Is On-Duty Time?

All time a driver is working or is required to be ready to work, for any employer. Including:

- Waiting to be dispatched, unless he/she has been relieved from duty by the motor carrier;
- Inspecting and fueling truck;
- Loading and unloading truck;
- All time, including travel, to provide samples for drug and alcohol testing.

“ON-DUTY TIME”

Continued:

- All time spent doing any other work for a motor carrier, including giving or receiving training and driving a company car; and
- All time spent doing paid work for anyone who is not a motor carrier, such as a part-time job at a local restaurant.
- The bottom line is that on-duty time includes **all time a driver is working for a motor carrier, whether paid or not, and all time he/she is doing paid work for anyone else.**

“OFF DUTY TIME”

What Is Off-Duty Time?

By understanding the definition of on-duty time, you will get a good idea of what is considered off-duty time.

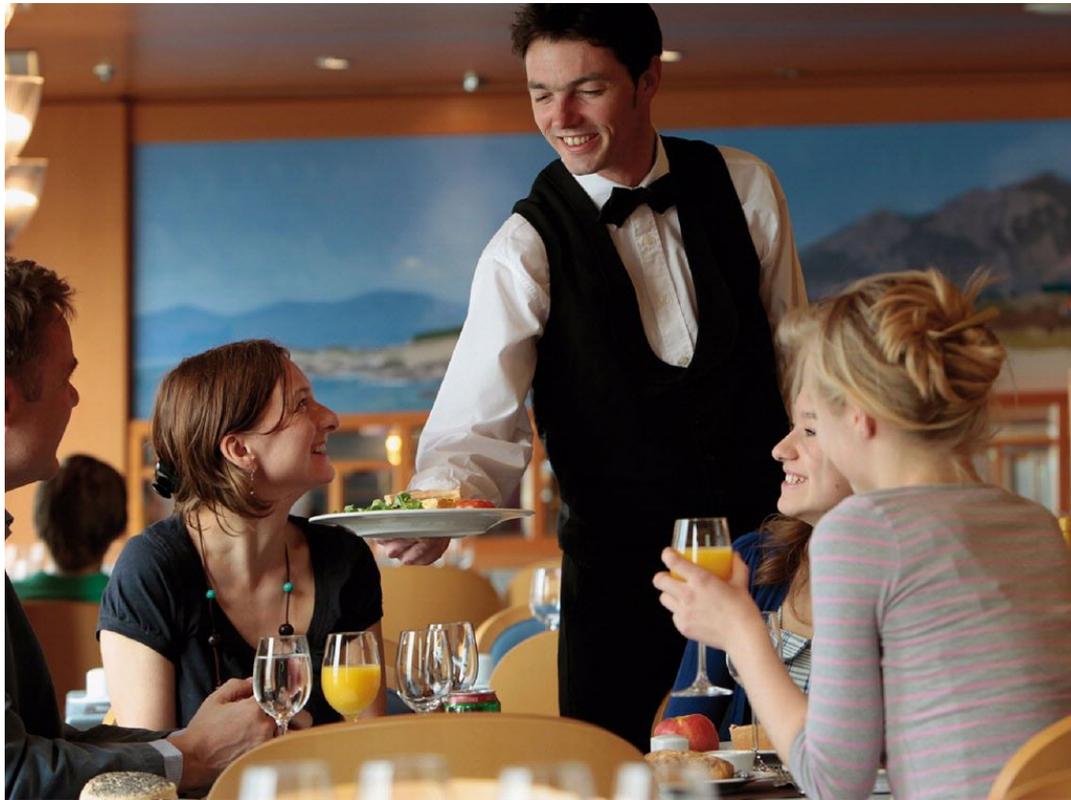
In order for time to be considered off-duty, a driver must be relieved of all duty and responsibility for performing work. They must be free to pursue activities of their own choosing and be able to leave the place where their vehicle is parked.

If they are not doing any work (paid or unpaid) for a motor carrier, and they are not doing any paid work for anyone else, they may record the time as off-duty time.

HOURS-OF-SERVICE

A part-time driver works as a waiter on the weekends.

Does he need to log this?



“TRAVEL TIME”

Travel Time

“Travel time” refers to the time you are being transported to a new location as part of your job, while not performing any driving on the trip. Any travel time you do at the direction of your motor carrier is considered on-duty time. However, if you take at least 10 consecutive hours off duty once you get to your destination, you may count all of the time, including the travel time, as off-duty.

Example: Your company sends you on a bus for 8 hours to pick up a truck and drive it back. You are simply riding the bus and not doing any other work for your company. Before driving the truck you take 10 consecutive hours off duty. In this case you may count all of the travel time as off duty as well.

The regulation on travel time is found in Section 395.1(j).

WHAT ARE THE HOURS-OF-SERVICE LIMITS?

14-Hour Driving Window

This window is usually **thought of as a “daily” limit** even though it is not based on a 24-hour period. Drivers are allowed a period of 14 consecutive hours in which to drive up to 11 hours after being off duty for 10 or more consecutive hours. The 14-consecutive-hour driving window begins when a driver starts any kind of work. Once he/she has reached the end of this 14-consecutive-hour period, he/she cannot drive again until he/she has been off duty for another 10 consecutive hours, or the equivalent of at least 10 consecutive hours off duty.

Driving is limited to the 14-consecutive-hour period even if he/she takes some off-duty time, such as a lunch break or a nap, during those 14 hours.

HOURS OF SERVICE LIMITS

11-Hour Driving Limit

During the 14-consecutive-hour period, a driver is only allowed to drive their truck for up to 11 total hours.

A driver may drive a total of 11 hours during the 14-hour period, however, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

Once a driver has driven a total of 11 hours, he/she have reached the driving limit and must be off duty for another 10 consecutive hours (or equivalent) before driving their truck again.

REST BREAK RULE

May drive only if 8 hours or less have passed since end of driver's last off-duty or sleeper-berth period of at least 30 minutes.

There are exceptions to this rule.



REST BREAK RULE

DRIVER'S LOG

1/31/2014

MONTH — DATE — YEAR

440

TOTAL MILEAGE TODAY

624-997

VEHICLE NUMBERS

Bernard Industries

NAME OF CARRIER OR CARRIERS

Lastname, First

DRIVER'S SIGNATURE IN FULL

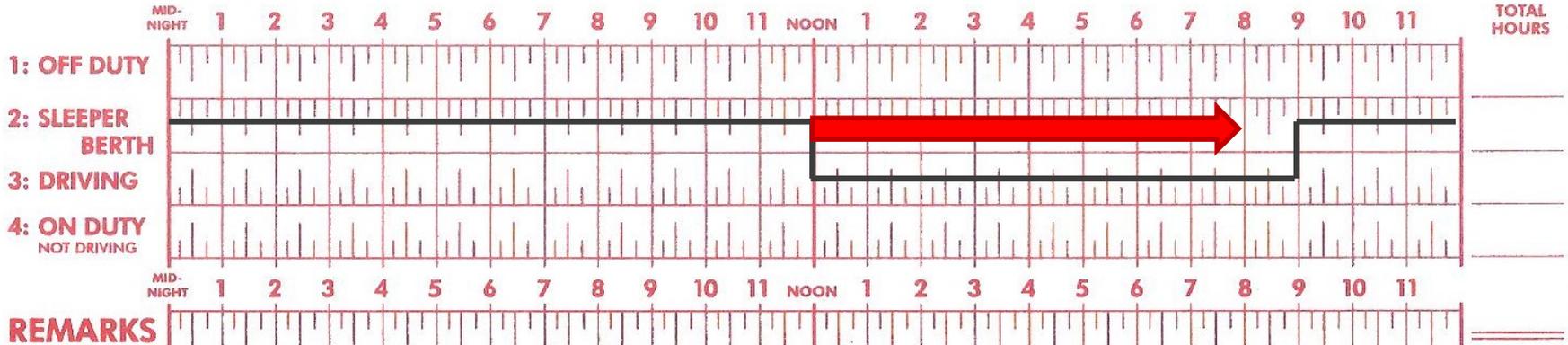
NAME OF CO-DRIVER

DUBUQUE, IOWA

MAIN OFFICE ADDRESS

DUBUQUE, IOWA

HOME TERMINAL ADDRESS



B/L or Pay No.

REST BREAK RULE

DRIVER'S LOG

1/31/2014

MONTH — DATE — YEAR

440

TOTAL MILEAGE TODAY

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Bernard Industries

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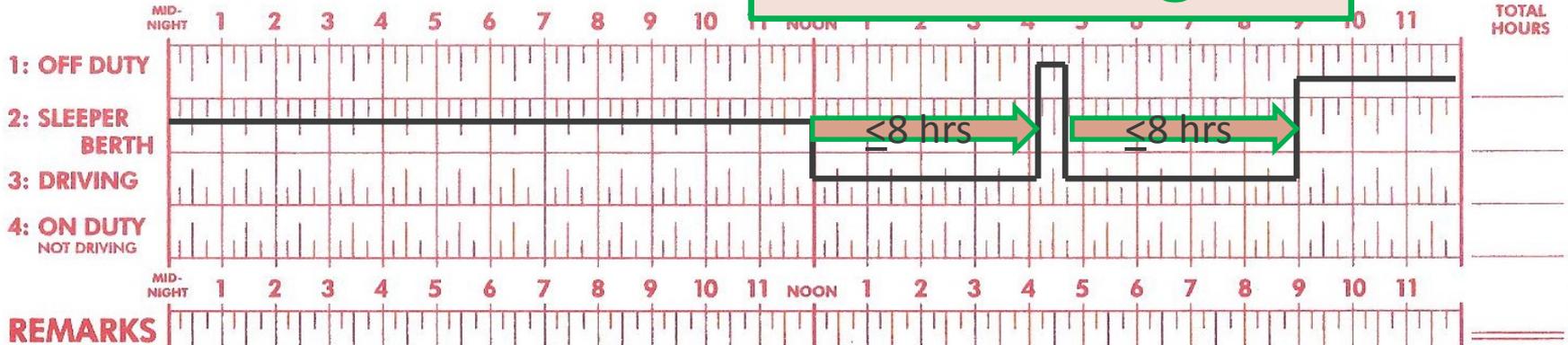
DRIVER'S SIGNATURE IN FULL

NAME OF CO-DRIVER

DUBUQUE, IOWA

MAIN OFFICE ADDRESS

Good log



B/L or Pay No.

HOURS OF SERVICE LIMITS

60/70-Hour Duty Limit

This limit is sometimes **thought of as a “weekly” limit**; however, not based on a “set” week, such as Sunday through Saturday but based on a “rolling” or “floating” 7-day or 8-day period.

The oldest day’s hours drop off at the end of each day when a driver calculates the total on-duty time for the past 7 or 8 days. For example, if a driver operates on a 70-hour/8-day schedule, the current day would be the newest day of their 8-day period and the hours they worked nine days ago would drop out of the calculation.

DAY	HOURS
1. Sunday	0
2. Monday	10
3. Tuesday	8.5
4. Wednesday	12.5
5. Thursday	9
6. Friday	10
7. Saturday	12
8. Sunday	5
TOTAL	67 hours

HOURS OF SERVICE LIMITS

34-Hour Restart

HOS regulations allow a driver to “restart” his/her 60- or 70-hour clock calculations by taking 34 or more consecutive hours off duty (or in the sleeper berth) or some combination of both.

After a driver has taken at least 34 consecutive hours off duty, he/she has the full 60 or 70 hours available again. The use of a “valid” 34-hour restart resets a driver’s “weekly” hours back to zero. In addition, an individual may perform other on-duty tasks, such as loading or unloading and paperwork, after reaching the 60/7 or 70/8 hour limits. They simply may not legally drive a commercial motor vehicle (CMV) on a public road when the limit has been reached. **The 34-hour restart is an optional, not a mandatory regulatory provision.**

1am to 5am windows are no longer required.

ADVERSE DRIVING CONDITIONS

What Is the Adverse Driving Conditions Exception?

If unexpected adverse driving conditions slows a driver down, he/she may drive up to 2 extra hours to complete what could have been driven in normal conditions. This means a driver could drive for up to 13 hours, which is 2 hours more than allowed under normal conditions. **Adverse driving conditions mean things that the driver did not know about when you started your run, like snow, fog, or a shut-down of traffic due to a crash.** Adverse driving conditions do not include situations that one should have known about, such as congested traffic during typical “rush hour” periods.

NON-CDL SHORT HAUL EXCEPTION

What Is the Non-CDL Short-Haul Exception?

If you drive short distances in a truck that does not require a commercial driver's license (CDL), you might be able to use the non-CDL short-haul exception. This short-haul exception allows you to extend the 14-hour driving window to 16 hours on 2 days in a 7-consecutive-day period or after any 34-hour restart and does not require you to keep a logbook. FMCSA does not enforce the 30-minute rest break provision [49 CFR 395.3 (a)(3)(ii)] against any driver who qualifies for this short-haul exception.

You can only use this exception if you:

- Drive a truck that is a “commercial motor vehicle” but does not require a CDL, and
- Work within a 150 air-mile radius (see p. 3 for explanation of “air miles”) of your normal work reporting location and return there each day.

NON-CDL SHORT HAUL EXCEPTION

If you meet the criteria for using the non-CDL short-haul exception:

- You must not drive for more than 11 hours following 10 consecutive hours off duty;
- You must not drive past the 14th hour after coming on duty 5 days in any period of 7 consecutive days; and
- You must not drive past the 16th hour after coming on duty 2 days in any period of 7 consecutive days.
- You must not drive after being on duty 60 hours in any 7 consecutive days or 70 hours in any 8 consecutive days (unless you took 34 consecutive hours off to restart a 7/8-day period that meets the conditions listed above).

Under this exception you are not required to keep a log book, but your company must keep accurate and true time records for 6 months showing: 1) the time the driver reports for duty each day; 2) the total number of hours the driver is on duty each day; 3) the time the driver is released from duty each day; and 4) the total time for the preceding 7 days in accordance with Section 395.8(j)(2) for drivers used for the first time or intermittently.

If you come under this exception you are not eligible for the 100 air-mile radius exception, 16-hour short-haul exception, or the split sleeper-berth provision. This regulation is found in Section 395.1(e)(2).

16-HOUR SHORT-HAUL EXCEPTION

What Is the 16-Hour Short-Haul Exception?

If you usually come back to your work-reporting location and go home at the end of your workday, you might be able to use the 16-hour short-haul exception. This exception allows you to extend the 14-consecutive-hour driving window to 16 hours once every 7 consecutive days. In order to use this exception, you must do the following:

- You must return to your work reporting location that day, as well as for your last 5 duty tours. A duty tour is the period of time from when you come to work to when you leave work. It is your “workday,” the time between your off-duty periods of at least 10 consecutive hours.
- You must be released from duty within 16 hours after coming on duty.
- You must only use this exception once every 7 consecutive days (unless you took 34 consecutive hours off to restart a 7/8-day period).

You may not use this exception if you qualify for the “Non-CDL Short Haul Exception” explained earlier.

This regulation is found in Section 395.1(o).

SLEEPER-BERTH PROVISION

How Does the Sleeper-Berth Provision Work?



If you drive a truck that has a sleeper berth that meets the requirements of the safety regulations, you may use it to get the required off-duty time in three ways:

1. You may spend time in your sleeper berth to get some, or all, of the 10 consecutive hours of off-duty time. When getting your 10 consecutive hours of off-duty time, what is most important is that you do not go on duty or drive during those 10 hours. At the end of the 10 consecutive hours of combined sleeper and/or off-duty time, your 11-hour driving and 14-hour duty-period limits would completely restart.
2. You may also use the sleeper berth to extend the 14-hour limit. Any period in the sleeper berth of at least 8 consecutive hours does not count as part of the 14 hours, and, therefore, allows you to extend the time during which you could use your maximum 11 hours of driving.
3. You may also use the sleeper berth in a different way to get the “equivalent of at least 10 consecutive hours off duty.” To do this, you must spend at least 8 consecutive hours (but less than 10 consecutive hours) in the sleeper berth. This rest period will not count as part of the 14 hours. A second, separate rest period must be at least 2 (but less than 10) consecutive hours long. This period may be spent in the sleeper berth, off duty, or sleeper berth and off duty combined. It does count as part of the 14 hours. It does not matter which rest period you take first. After you complete your second required rest period, you will have a new point on the clock from which to calculate your hours available. This new “calculation point” will be at the time you completed your first required rest period.

DRIVER'S DAILY LOG

What Is a “Driver’s Daily Log”?

Drivers must keep track of their time. This is done both in written form and electronically (elogs). The written form drivers must fill out as they do their work is called the “record of duty status” (aka “logs”). Drivers do not have to fill out a log if they come under an exception.

Drivers must account for every day on their logs, even days off, unless they are covered by a logbook exception on any of the days. The log must cover all 24 hours of every day.

Authorized government inspectors may check logs at any time. A driver must have a log for each day of the last 8 days that they were required to log. **The current day’s log must be current to their last change of duty status.** Inspectors check logs to see if they have violated the hours-of-service regulations. Violations of the hours-of-service regulations can result in being fined and/or placed out of service.

WHO MUST COMPLETE A LOG?

Who Must Complete a Log?

Any person who is subject to the safety regulations and drives a commercial motor vehicle as defined in Section 390.5 of the Federal regulations must complete a logbook page for any day that includes commercial motor vehicle driving and for the prior 7 days (unless under an exception on some of those days). The primary exception is for short-haul operation (100 air-mile radius drivers).

EXCEPTION FROM LOGGING REQUIREMENTS?

100 Air-Mile Radius

The exception applies for any day in which a driver:

- Drives within a 100 air-mile radius of their normal work reporting location,
- Return to their work reporting location and are released within 12 consecutive hours, and
- Follow all other basic hours-of-service rules including the 10-hour off-duty and 11-hour driving requirements.

The motor carrier must keep time records of the times a driver reports for and are released from work each day, and the total hours on duty each day. This exception is optional.

EXCEPTIONS FROM LOGGING REQUIREMENTS?

Non-CDL Short-Haul

You are not required to fill out a log with a graph grid if you come under the non-CDL short-haul exception. The non-CDL short-haul exception applies on days when you:

- Drive a truck that does not require a CDL,
- Work within a 150 air-mile radius (see p. 3 for explanation of “air miles”) of your normal work reporting location and return there each day.
- Follow the 10-hour off duty and 11-hour driving requirements,
- Do not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, and
- Do not drive after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days.

Your motor carrier must keep time records of the times you report for and are released from work each day, and the total hours on duty each day.

This regulation is found in Section 395.1(e)(2).

DRIVER'S DAILY LOG

Total miles driving today

Truck or tractor and trailer number

U.S. DEPARTMENT OF TRANSPORTATION **DRIVER'S DAILY LOG**
(ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - Submit to carrier within 13 days
DUPLICATE - Driver retains possession for eight days

Date
(MONTH) (DAY) (YEAR)
(TOTAL MILES DRIVING TODAY)
VEHICLE NUMBERS - (SHOW EACH UNIT)

Name of carrier
(NAME OF CARRIER OR CARRIERS)
I certify these entries are true and correct:
(DRIVER'S SIGNATURE IN FULL)
Driver's signature/ certification

Main office address
(MAIN OFFICE ADDRESS)
(NAME OF CO-DRIVER)
Name of co-driver

24-hour period starting time
MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11
TOTAL HOURS

1: OFF DUTY																							
2: SLEEPER BERTH																							
3: DRIVING																							
4: ON DUTY (NOT DRIVING)																							

REMARKS
Total hours

Pro or Shipping No.
Remarks

Shipping document number(s), or name of shipper and commodity

THE GRAPH GRID

1: OFF DUTY	
2: SLEEPER BERTH	
3: DRIVING	
4: ON DUTY (NOT DRIVING)	
REMARKS	

Grid must be kept current to last change of duty status. Drivers must draw lines on the grid as follows:

- **Off Duty**
- **Sleeper Berth**
- **Driving**
- **On Duty (Not Driving)**

THE “REMARKS”

For each change in duty status, a driver must write down the name of the city, town, or village, and State abbreviation, in the Remarks section. If the change of duty status takes place at a location other than a city, town, or village, a driver must show alternative location information specified in regulations.

Drivers may write other things in the Remarks section, such as shipping information, a note about adverse driving conditions, or when he/she crossed a State line.

WHO MUST USE AN ELECTRONIC LOGGING DEVICE (ELD)?

The ELD rule applies to motor carriers and drivers who are currently required to keep records of duty service (RODS) on paper or with an Automatic Onboard Recording Device (AOBRD) under the hours-of-service (HOS) regulations.

Drivers who use the timecard exception, and don't keep paper RODs, will not be required to use ELDs.

The following drivers may keep paper RODS:

- Drivers who keep RODS no more than 8 days during any 30-day period.
- Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair), provided the vehicle driven is part of the shipment.
- Drivers of vehicles manufactured before model year 2000.

However, a carrier can choose to use an ELD, even if it is not required.

WHAT IS AN ELECTRONIC LOGGING DEVICE?

An ELD is technology that automatically records a driver's driving time and other aspects of the hours-of-service (HOS) records. This allows easier, more accurate HOS recordkeeping. An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours). ELD manufacturers must certify that ELDs meet technical standards in the ELD rule.

IS AN ELD REQUIRED TO COLLECT VEHICLE PERFORMANCE DATA?

No, ELDs are not required to collect data on vehicle speed, braking action, steering function, or other vehicle performance parameters. ELDs are only required to collect data to determine compliance with HOS regulations.

WHAT IS A GRANDFATHERED AOB RD?

An AOB RD installed before the ELD compliance date is considered “grandfathered.” Drivers and carriers may continue to use an AOB RD instead of an ELD for a period of four years from the publication of the final rule.

Note that an AOB RD that has been updated and meets the standards from an ELD, including certification registration on FMCSA’s website, is not considered a grandfathered AOB RD. It is considered an ELD.

WHAT USER DOCUMENTATION MUST BE ONBOARD A CMV?

What electronic logging device (ELD) user documentation must be onboard a driver's commercial motor vehicle?

A driver must have the following items onboard:

1. A user's manual for operating the ELD;
2. An instruction sheet with step-by-steps instructions for transferring hours-of service records to an authorized safety official;
3. An instruction sheet on reporting ELD malfunctions and recordkeeping procedures during ELD malfunctions; and
4. A supply of paper grid graphs to record driver duty status and related information for at least 8 days, in case of ELD malfunction.

PHASED IMPLEMENTATION TIMELINE

Implementation Timeline

The ELD rule is being implemented in several phases:

The **Effective Date** February 16, 2016 is the date 60 days after the rule's publication in the Federal Register.

The **Compliance Date** December 18, 2017 is two years from the publication date.

Implementation Phase Compliance Table

	ELD	AOBRD	Logging Software	Paper
Phase 1	■	■	■	■
Phase 2	■	■		
Phase 3	■			

ELD COMPLIANCE REQUIREMENTS

ELD Compliance Requirements

To be included on FMCSA's list of compliant ELDs, each ELD must:

- Conform to the [technical specifications](#);
- Be certified as compliant by the provider; and
- Be registered with FMCSA.

An ELD can include portable ELDs and mobile devices – so long as it fully meets the technical specifications, and is certified and registered.

If FMCSA finds that an ELD listed on its website does not comply with the technical specifications, FMCSA may initiate removal of an ELD model or version from its list by providing written notice to the ELD provider stating:

- The reasons that FMCSA proposes to remove the model or version from the FMCSA list; and
- Any corrective action that the provider must take for the ELD model or version to remain on the list.

If an ELD is removed from the list, FMCSA will alert industry through announcements on its website and other communications.

HOURS OF SERVICE/FMCSA COMPLIANCE REVIEW

Targeted Drivers

- Drivers involved in FMCSA reportable crashes (CSA/Compass Portal) in past 24 months
- Drivers having out-of-service HOS violations from roadside inspections
- Driver having multiple non out-of-service HOS violations from roadside inspections
- Any driver employed within past 365 days (whether still employed or not)
- Top wage earners
- Top mileage “runners”

HOURS OF SERVICE/FMCSA COMPLIANCE REVIEW

Retention of Drivers' Logs

- 6 months
- Missing logs are a problem
- Drivers must return logs to motor carrier within 13 days

SUPPORTING DOCUMENTS

Regulations require motor carriers to retain all supporting documents at their principal places of business for a period of 6 months from date of receipt.

Supporting documents are the records of the motor carrier which are maintained in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's record of duty status. Examples are: bills of lading, dispatch records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, toll billing statements, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, etc.

HOURS OF SERVICE/FMCSA COMPLIANCE REVIEW

Paper Logs' Process

- Compliance Officer will choose drivers' logs to review
- All drivers employed within past 6 months are available for review even if no longer employed
- Compliance Officer will review logs for 11/14/60 or 70-hour rule violations and falsifications
- 10% threshold is utilized meaning if a driver has on average 30 logs for one month, no more than 3 logs can be erroneous in any of the areas noted above.
- Fleets with satellites generally pay 3-5 times more \$ in fines

HOURS OF SERVICE/FMCSA COMPLIANCE REVIEW

Electronic Logs' Process

- Majority of fleets with E-Logs will receive “Satisfactory” rating
- Review is focused on 11/14 and 60-70 hour rule violations as these violations can still be incurred
- No form and manner violations generally discovered
- Compare satellite locations to e-logs to look for any CMV movement and ensure e-log shows “driving”
- Another focus is placed on “unassigned driving” and “miles without hours”
 - Officer will ask fleet to assign miles as driving and if exceed any hour rules will hold fleet accountable for these violations
- Personal Conveyance
 - Cannot be used to improve position
 - Cannot be laden
 - If driver takes CMV home and is called by employing carrier for load, driver would be on-duty from the time they leave home.

DISCIPLINARY/ACCOUNTABILITY PROGRAM

- Must be documented (in-house HOS violations and roadside inspection HOS violations)
- Must be followed in all instances (no exceptions)
- Not having a program could be negatively viewed by the compliance officer
- Just terminating drivers is not viewed as discipline/accountability if underlying issues are not corrected within the fleet.

INDICATORS OF LOG FALSIFICATION

- Information cross-checked with fleet records, fuel purchase, tolls, GPS data, etc.
- Mileage figures always neatly rounded
- Exact legal pattern, e.g. off, 11 driving, etc.
- Too many miles in a given day
- Too short a time distance between two points

VIOLATION OF HOS

- FMCSA may levy civil penalties on drivers and carriers, ranging from \$550 to \$11,000 per violation
- Carrier's safety rating can be downgraded for a pattern of violations
- Federal criminal penalties can be brought against carriers who knowingly and willfully allow or require HOS violations

QUESTIONS?