



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



Hours of Service

Question & Answer Session

September 2020

Agenda

- Summary of the HOS final rule
- Answer pre-submitted questions
 - HOS final rule in general
 - Short-haul
 - Adverse driving conditions
 - 30-minute break
 - Sleeper berth
- 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 at **12:01 a.m. ET 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



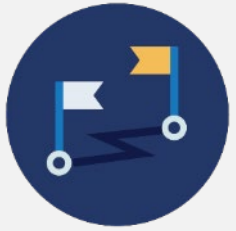
Sleeper Berth
Provision

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



Short-Haul Exception





Short-Haul Exception

Passenger and property carriers using short-haul exception **are not required to:**

- Use a RODS or an ELD
- Take a 30-minute break ([§395.1\(e\)\(1\)](#)) after 8 cumulative hours of driving

HOS final rule:

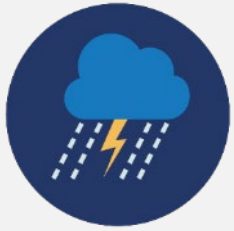
- 1** Extends maximum driving distance allowed from a 100 to a **150 air-mile radius**
- 2** Extends maximum duty period from 12 to **14 hours**

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



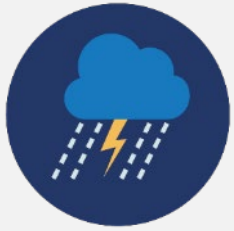


Adverse Driving Conditions Exception

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 up to 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



Can the driver use the adverse driving conditions exception even if the adverse conditions have cleared when the driver arrives at the location where the condition occurred?



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



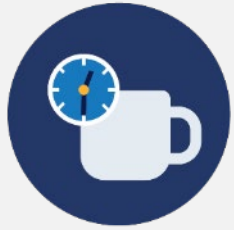
When should I use the adverse driving condition exception?

- When the condition occurs? **or**
- At the end of my day, when I am over hours due to the adverse condition?



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-consecutive-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: <ul style="list-style-type: none">✓ Off-duty✓ Sleeper berth

New
30-minute break can be satisfied by: <ul style="list-style-type: none">✓ Off-duty✓ Sleeper berth✓ On-duty not driving

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

Can yard moves and roadside inspections count toward the 30-minute break requirement?



Yard moves

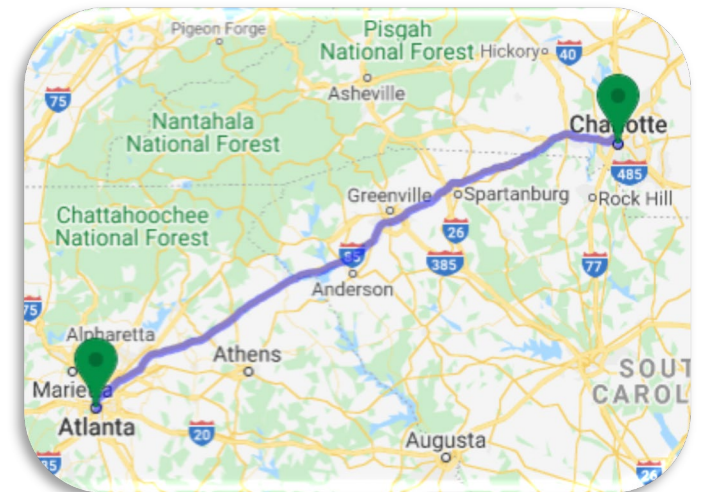


Roadside inspections



- A driver leaves Charlotte, NC going to Atlanta, GA
- It takes him four hours to get to his destination
- After delivering his load, he departs for Charlotte but gets delayed in Atlanta traffic
- It takes him 4.5 hours to drive back
- At the 8-hour mark, the driver realizes he is only 30 minutes from home

Is the break required at the 8-hour mark, or can the driver just finish his day?



Sleeper Berth Provision





Sleeper Berth Provision

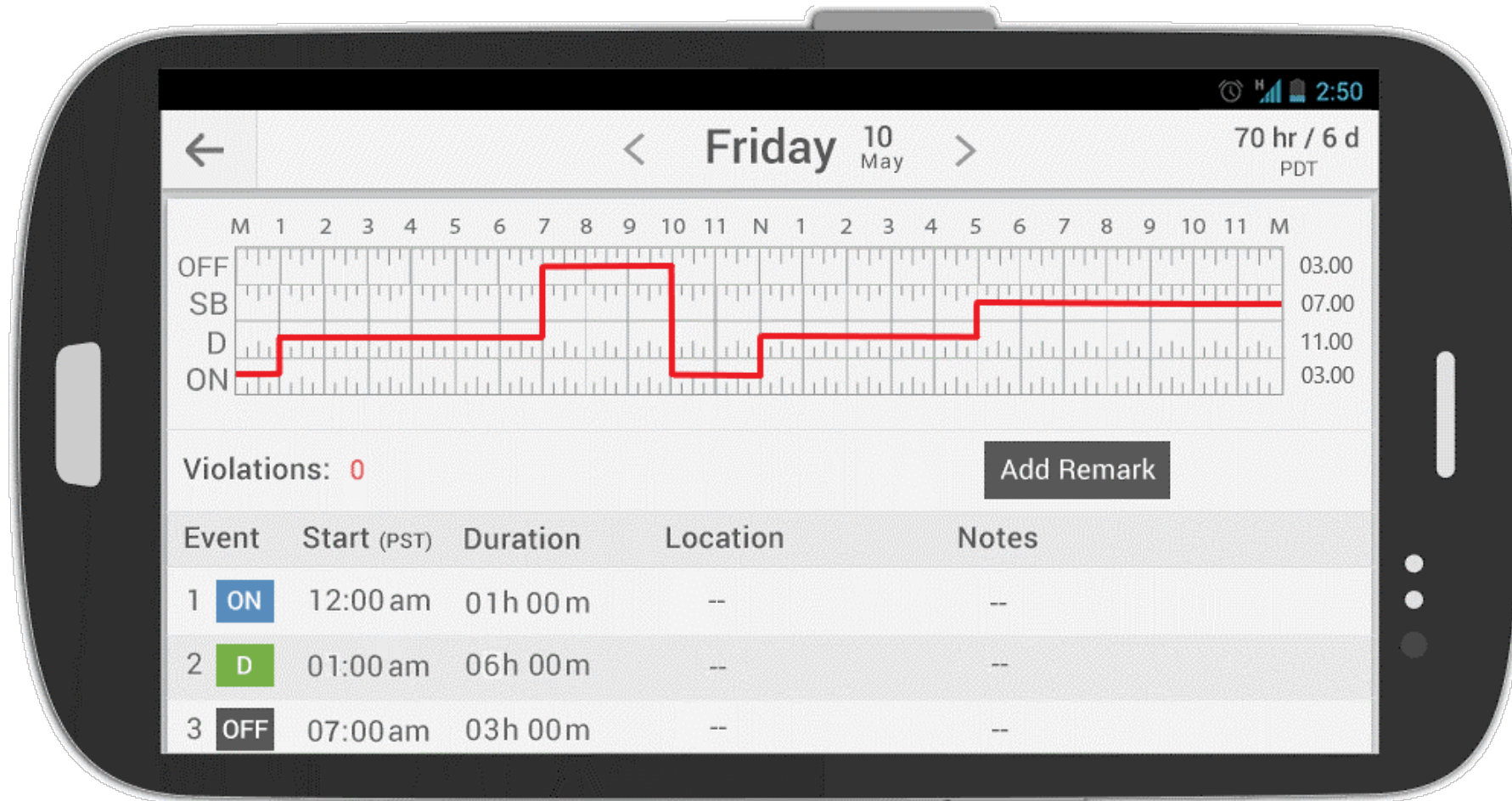
Allows drivers to split 10-hour off-duty period, as long as:

- 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
- Added together, the periods must total at least 10 hours

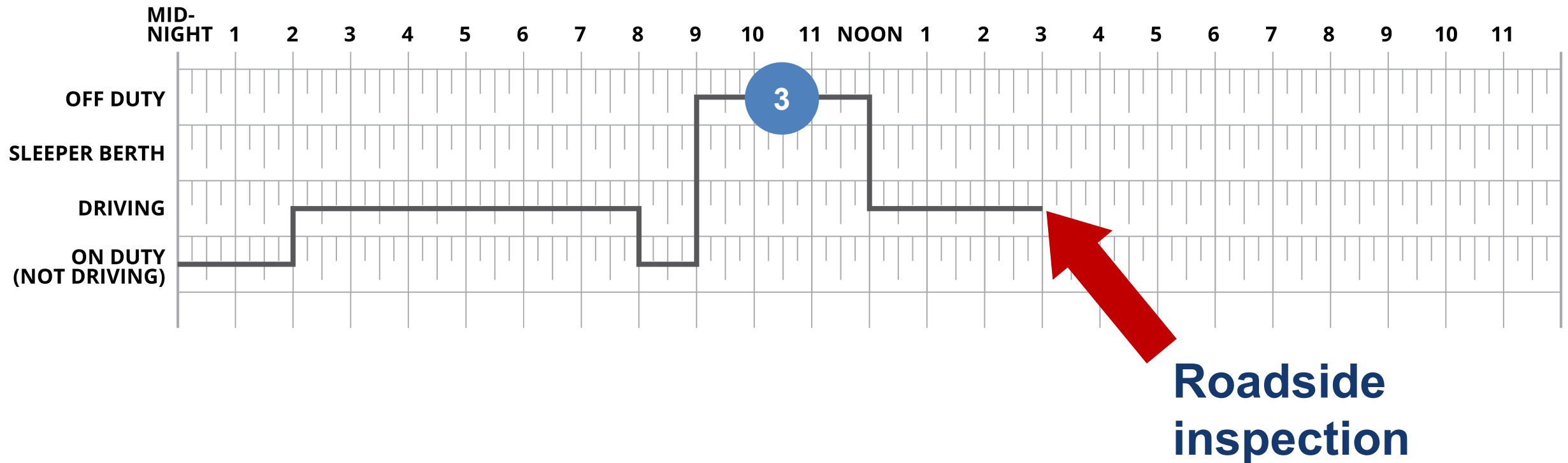
When used together, neither period counts against the 14-hour driving window



How are the rest periods used in determining compliance with the 11-hour driving and 14-hour “driving window” rules?



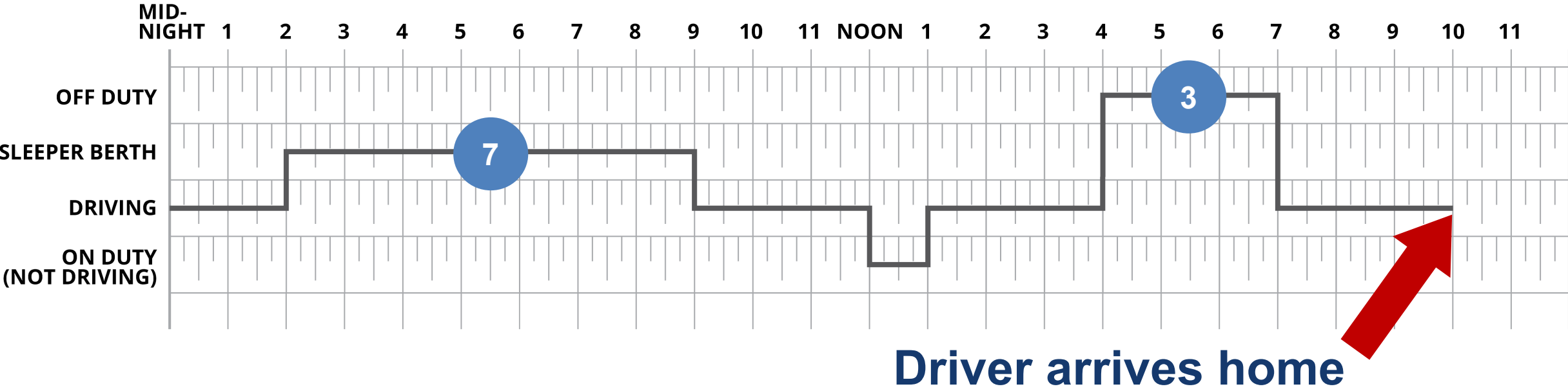
What if a driver is stopped for an inspection in between two intended rest periods?



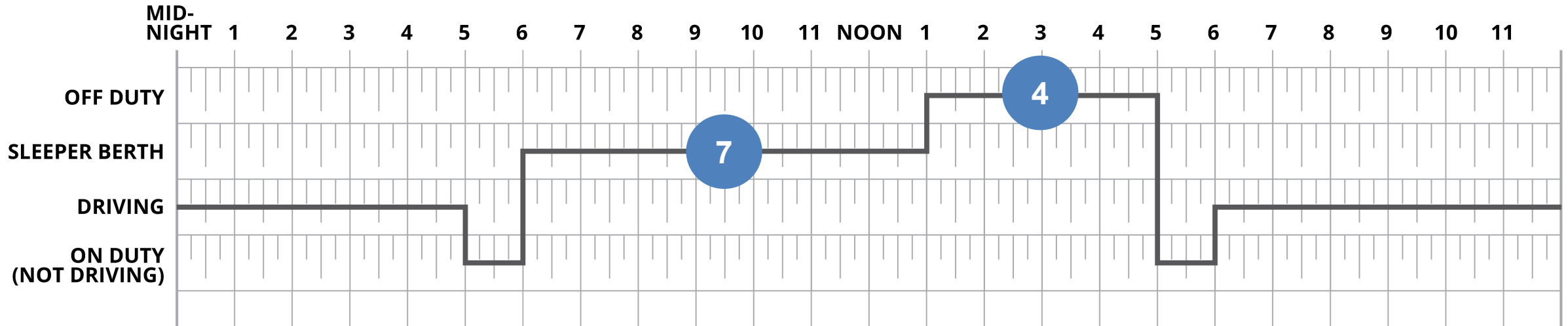
Can a 10-hour off-duty period be paired with a qualifying sleeper berth period?



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.



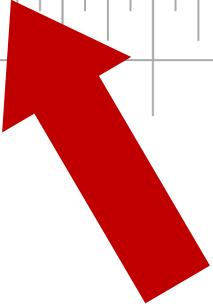
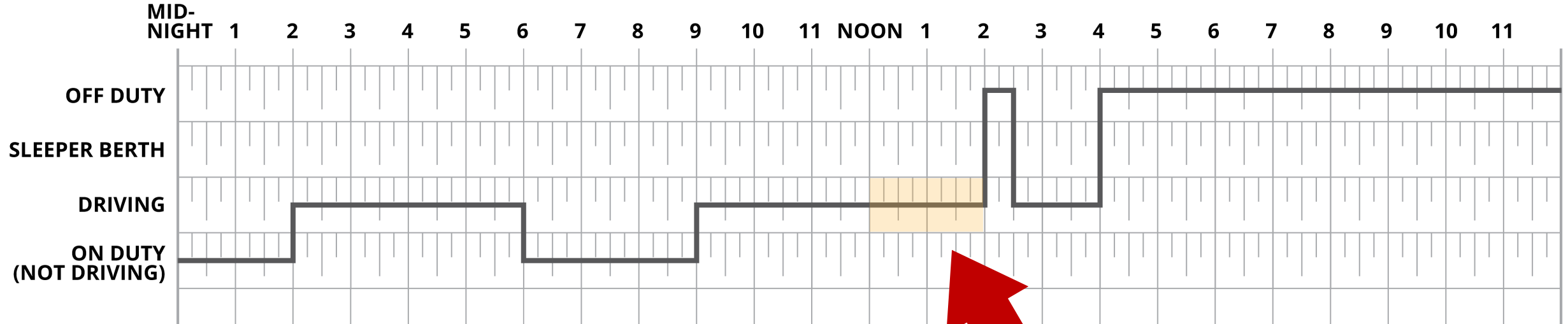
Does this combination count as a qualifying sleeper berth period?

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

Other Questions



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**

Short-Haul Exception and Logs



While operating under the short-haul exception, drivers are not required to fill out a log with a graph grid or use an Electronic Logging Device (ELD), they can use a time record instead

- Motor carrier must record the driver's time in, time out, and total number of hours per day
 - Time record must include the total time for the 7 preceding days (for new hires or drivers used intermittently (§395.8(j)(2))
 - Records must be maintained for 6 months
- When a driver no longer meets the exception (drives too far/works too many hours), the driver must complete a regular log or use an ELD for the day ([§395.8](#))
 - If driver is required to complete a log:
 - **8 or fewer days** within the last 30 days ► driver can use **paper log with a graph grid**
 - **More than 8 days** within the last 30 days ► driver must use an **ELD** to record time for that day



Participant Questions



More Information & Resources



For information, visit:

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

- Fact sheets
- Presentation
- Recorded webinars