



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

# **New Hours of Service and Regulatory Update**

Tennessee Trucking Association

June 10, 2020

# Agenda



- New Hours of Service Final Rule
- Emergency Actions Update
- Crash Preventability Determination Program Reminders
- New Training Provider Registry Website
- *Our Roads, Our Safety Outreach* Toolkit



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
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# Hours of Service

What's new in the final rule published June 1, 2020



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

# Hours of Service (HOS) Final Rule

- FMCSA published a revised HOS final rule on June 1, 2020
- Drivers must operate under new rule starting 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



# Why did the HOS rule change?

- Developed based on direct **input from truckers, industry, safety advocates, Congress, and the American people**
- Rule will result in **critical regulatory savings of over \$270 million**—which will help create more jobs and strengthen the motor carrier industry



Rule aims to **provide drivers with greater flexibility** while **maintaining safety** on our Nation's roads

# Engaging Stakeholders in HOS Rulemaking

2  
0  
1  
8

## Advanced Notice of Proposed Rulemaking

Determine if HOS revisions may  
alleviate unnecessary burdens placed  
on drivers while maintaining safety

**5,000+**  
public comments

2  
0  
1  
9

## Notice of Proposed Rulemaking

Seek input on five specific changes  
to HOS provisions

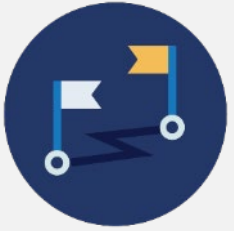
**2,800+**  
public comments



# Understanding the HOS Changes







## Short-Haul Exception

CDL carriers using the short-haul exception are not required to use a RODS or ELDs, or take a 30-minute break ([§395.1\(e\)\(1\)](#))

### HOS final rule:

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

### EXAMPLE

Under the previous rule, a driver based in Peoria could not service Chicago and St. Louis. The new rule allows the driver to service those two cities, as well as an additional 2 hours to do so

### Previous rule:



### New rule:





# Short-Haul Exception



- No other provisions of the CDL short-haul exception changed
- New HOS rule does not change the non-CDL short-haul exception in [§395.1\(e\)\(2\)](#)

**To be able to use the short-haul exception, the CMV driver must:**

- Operate within a 150 air-miles radius
- Not exceed a maximum duty period of 14 hours
- Start and end shift in the same location
- Have at least 8 (passenger) or 10 (property) hours off between shifts
- Include the start and end times for the day and the total hours on-duty on the time record for the day

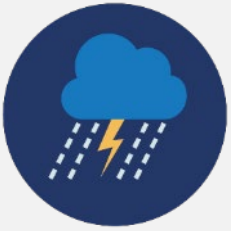
# Short-Haul Exception and Logs



**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 must include the total time for the 7 preceding days
  - 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





# 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:**

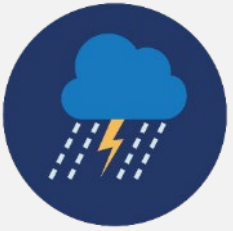


**a driver** immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or



**a motor carrier** immediately prior to dispatching the driver





# 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 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 Exception

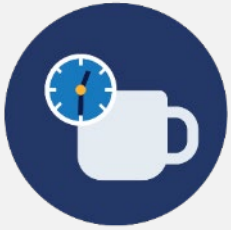
## EXAMPLE

A driver is 15 miles from his destination when there is a gravel spill on the bridge ahead (the bridge is the only access to the destination)

- Driver has 1 hour left of driving time and 1 hour left in the driving day
- Driver can stop at the next exit (for up to 2 hours) until the road is clear, and still have time to get to the destination without violating HOS rules

**Drivers should annotate, and include details about, the adverse driving condition in their log or Electronic Logging Device (ELD)**





## 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-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:

- ✓ Off-duty
- ✓ Sleeper berth

#### New

30-minute break can be satisfied by:

- ✓ Off-duty
- ✓ Sleeper berth
- ✓ On-duty, not driving



# 30-Minute Break Requirement

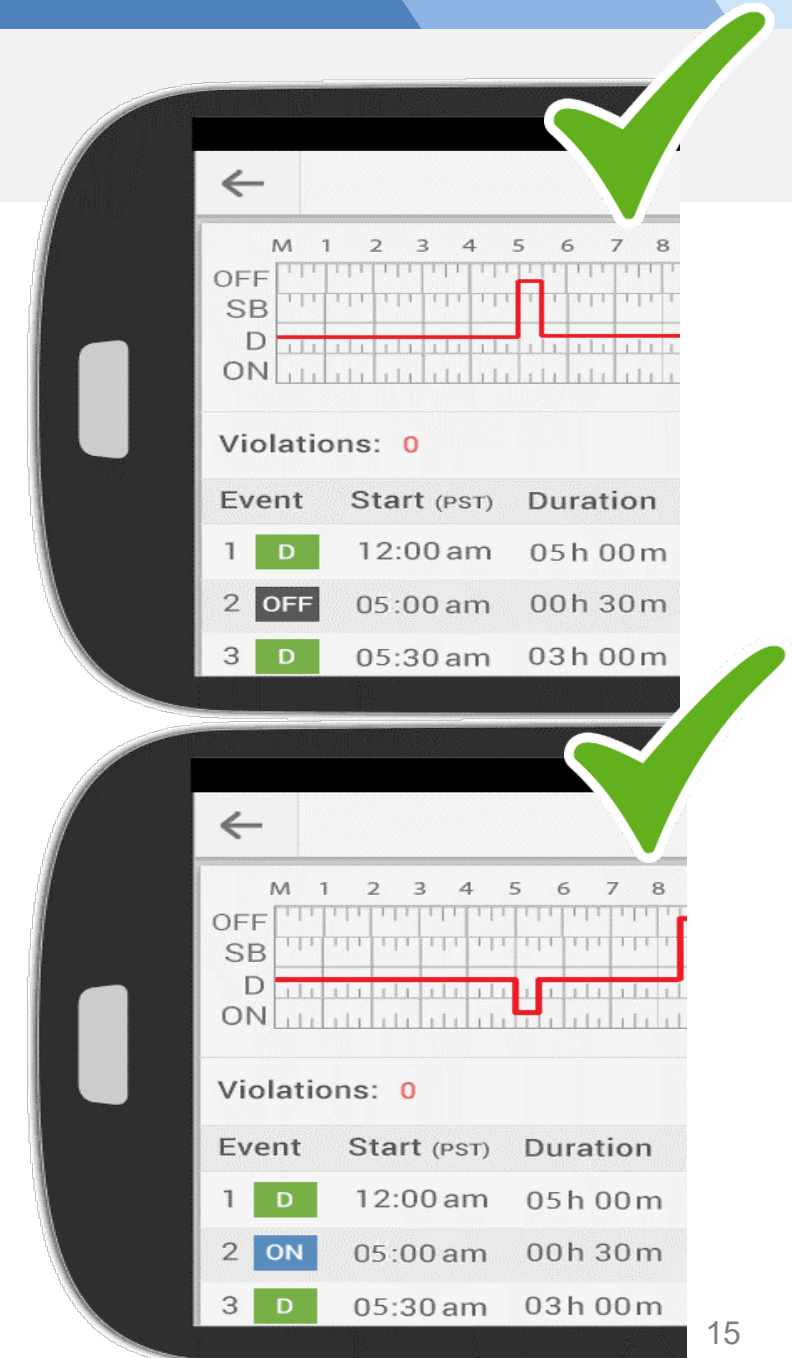
## EXAMPLE

The examples on this slide assume the driver has driven for 8 hours and needs to take a 30-minute break

- **Previous Rule:** only the top log is compliant
- **New Rule:** both logs are compliant



Short *non-consecutive* periods cannot be combined to reach 30 minutes of non-driving time. 30 minutes must be consecutive.







# 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

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

- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window



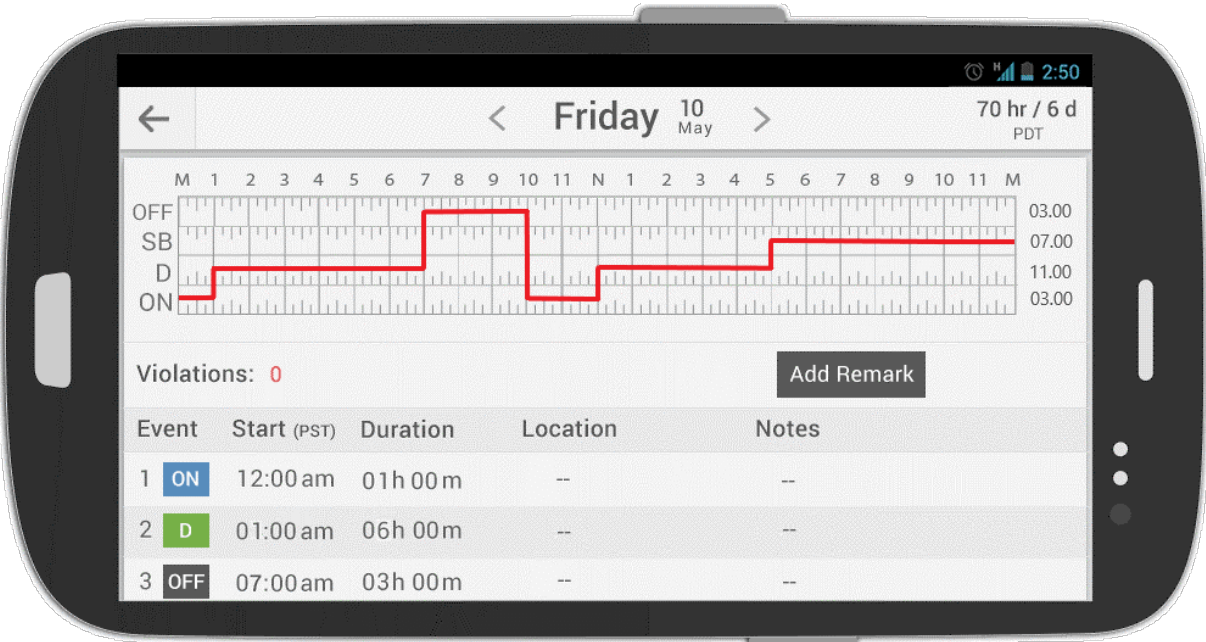
# Sleeper Berth Provision

EXAMPLE

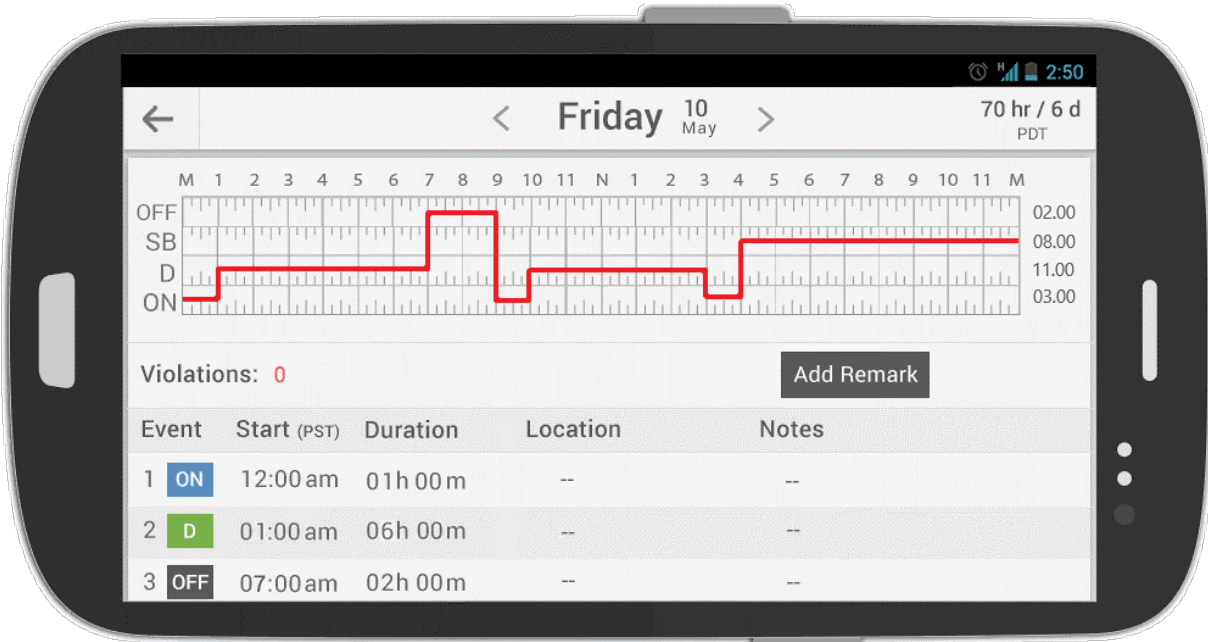
The example on this slide assumes the driver starts day 1 having just completed 10 consecutive hours off-duty

- None of the 4 break periods count against the driver’s 14-hour window

Day 1: Driver used a 7/3 split



Day 2: Driver used an 8/2 split



# When do the changes take effect?



Drivers and carriers must operate under the HOS final rule starting on the **September 29, 2020**, and not before





# Emergency Actions

FMCSA COVID-19 Information and Resources



# Emergency Declaration

- Effective March 18, 2020 – Covers 50 States and DC
- Expanded and changed expiration from April 12 to May 15, 2020
- Expanded Declaration extended from May 15, 2020 to **June 14, 2020**
- **Modified Declaration from June 15, 2020 to July 14, 2020**
- Relief from 49 CFR Parts 390-399 for motor carriers and drivers carrying specific loads
- *Direct assistance* means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as medical care) or essential supplies (such as food and fuel) related to COVID-19 outbreaks during the emergency

# Loads Covered by Declaration from June 15 to July 14, 2020

When CMV operations are providing direct assistance in support of emergency relief related to the COVID-19 outbreak, including transportation to meet immediate needs for:

- (1) livestock and livestock feed
- (2) medical supplies & equipment related to testing, diagnosis and treatment;
- (3) supplies & equipment necessary for community safety, sanitation, & prevention of transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants.

# Not Covered by Declaration

- (1) Routine commercial deliveries
- (2) Mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of the emergency declaration
- (3) Drivers or motor carriers under an Out-of-Service Order



# Compliance Still Required For

- (1) 49 CFR 392.2, operation of CMV in accordance with State laws and regulations
- (2) 49 CFR 392.3, operation while ill or fatigued
- (3) Controlled substances and alcohol use and testing requirements (Part 382)
  - OST and FMCSA guidance provided
- (4) Commercial driver's license requirements (Part 383)
  - Waivers grant some relief after March 1
- (5) Financial responsibility (insurance) requirements (Part 387)
- (6) Hazardous material regulations (Parts 100-180)
- (7) Applicable size and weight requirements (unless excepted by the states)
- (8) Any regulations not specifically exempted

# Other Considerations of the Declaration

- Motor carriers shall not require or allow fatigued drivers to operate a CMV. A driver who informs a carrier that he/she needs immediate rest shall be given at least 10 consecutive hours before driver is required to return to service.
- Motor carriers must report any recordable crash while operating under the declaration within 24 hours, by phone or in writing, to the Division Office where carrier is domiciled. Must include date, time, location, driver, vehicle identification, and brief description of crash.
  - For carriers domiciled in Tennessee, you can submit:
    - by e-mail to [tennessee.division@dot.gov](mailto:tennessee.division@dot.gov);
    - by fax to 615-781-5780; or
    - by phone call to 615-781-5781

# Commercial Driver License (CDL) and Medical Waiver

- Issued on March 24, 2020
- Effective through June 30, 2020
- Applies to SDLAs, interstate and intrastate CLP and CDL holders, and interstate non-CDL drivers.
- Waives the 8-year maximum period of validity for CDLs and the 1-year maximum period of validity for CLPs due for renewal on or after March 1, 2020 (but only through June 30<sup>th</sup>).
- Waives the mandatory 14-day waiting period for CLP holders to take the CDL skills test.

# CDL and Medical Waiver (Continued)

- For CDL/CLP holders and non-CDL drivers who have proof of a valid medical certification that was issued for a period of 90 days or longer and that expired on or after March 1, 2020:
  - Medical certificates that expired on or after March 1, 2020 remain valid through June 30, 2020.
  - SDLAs are not required to change the CDL or CLP medical certification status to “not certified.”
  - SDLAs are not required to initiate a CDL or CLP downgrade due to a medical certification or medical variance that expired on or after March 1, 2020.
- FMCSA will continue to recognize the validity of CDLs and medical certificates issued by Canada and Mexico if those jurisdictions issue a similar notice or declaration extending the date of validity.

## Other Guidance

- Leveraging Technology in Conducting FMCSA Compliance Investigations
- Drug and Alcohol Guidance and Pre-employment Drug Testing Waiver

# Other Actions

- FMCSA Encouraging States to Keep Rest Stops Open
  - FMCSA does not have preemptive authority over states that decide/attempt to close highway rest stops; however, FMCSA is working closely with the States to ensure adequate truck parking and facilities are available
- Statement on State and Local Shelter in Place and Other Restrictions on Movement Relating to COVID-19
  - FMCSA issued guidance to States with shelter in place or stay at home directives to include drivers transporting emergency supplies as exempted
- FMCSA Assisting in Distributing Masks to Truck Drivers
  - FMCSA has been working with states, industry stakeholders, and motor carriers to distribute 2.1 million protective face masks for drivers which were provided by FEMA





# Crash Preventability

Crash Preventability Determination Program



1

Eligible  
Crash Occurs



2

Submit Request  
with Police  
Accident Report



3

FMCSA  
Reviews  
Request



4

FMCSA  
Posts Final  
Determination



# CPDP Eligibility Reminders

- Crash must meet at least one of the eligible crash types
- Crash must occur on or after August 1, 2019
- Crash must be in FMCSA's system
- If the crash is not eligible under one crash type, it may be eligible under another
- If does not meet the above, the Request for Data Review (RDR) will be closed by DataQs
- Resources regarding crash type eligibility can be found at:  
<https://www.fmcsa.dot.gov/crash-preventabilitydetermination-program>
- From DataQs (<https://dataqs.fmcsa.dot.gov>), submit your RDR under “Crash Could Not Be Prevented.”



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# Training Provider Registry

Entry-Level Driver Training Program



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# Launch of New Training Provider (TPR) Website

- <https://tpr.fmcsa.dot.gov/>
- New webpage to share updates and information about the TPR and the Entry-Level Driver Training Program
- You can subscribe now to receive email updates when the registration for the TPR or other updates become available
- Download a copy of a factsheet and overview PowerPoint from the website, search through FAQ, or submit a question to the FMCSA TPR Team
- Training providers will be able to register beginning in Summer 2021
- FMCSA will continue to enhance this page with additional information and features as the February 7, 2022 compliance date approaches



U.S. Department of Transportation  
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**OUR ROADS<sup>TM</sup>  
SAFETY**  
Partnership for **Responsible Driving**



# Our Roads, Our Safety

Partnership for Responsible Driving Campaign

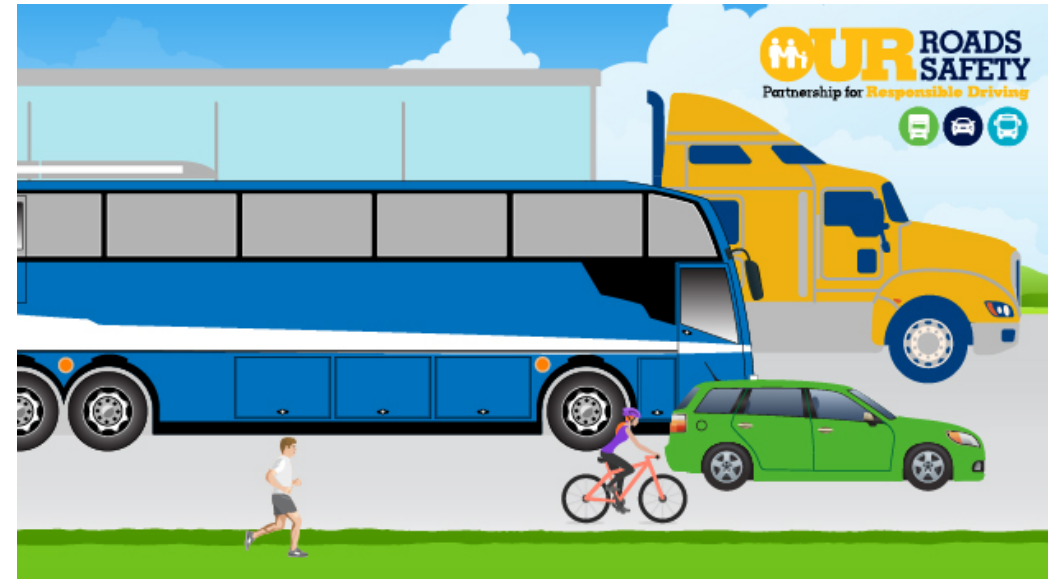
*"It's Our Roads. It's Our Safety.  
Let's Share The Road Together Safely."*



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# June is National Safety Month

- [Tips for Passenger Vehicle Drivers](#)
- [Tips for Bicyclists and Pedestrians](#)
- [Tips for Bus and Truck Drivers](#)





# Outreach Toolkit

- Shareable Safety Graphics
- 12 PSAs – “Meet the Voices of Safety”
- Road Safety Art Contest
- Coloring Book



# Questions?



For more information, visit: <https://www.fmcsa.dot.gov>



Portal Registration / Access Call Center: 800-724-2811

Clearinghouse Help Line: 844-955-0207

Safety Complaint Hotline: 888-368-7238

FMCSA Information Line (*for all other calls*): 800-832-5600

**FMCSA Tennessee Division Office: 615-781-5781**

