

TRUCK TALK

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Hours of Service Regulation Change July 1, 2013

The Federal Motor Carrier Safety Administration (FMCSA) has implemented new guidelines for hours of service, currently scheduled to go into effect on July 1, 2013. The new regulations seek to limit the risk of fatigued driving.

We have summarized a few of those changes here:

Changes Compared to Current Rule

PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None.	(1) Must include two periods between 1 a.m. – 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions.	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]

Simply stated, these changes will affect the majority of drivers operating in interstate and intrastate commerce who track their time using a log book.

- A. **Restart limited to once per week, the rule limits the use of the "34-hour restart" to once weekly (168 hours).** The purpose of the rule change is to limit work to no more than 70 hours a week on average. Working long daily and weekly hours on a continuing basis is associated with chronic fatigue, a high risk of crashes, and a number of serious chronic health conditions in drivers.

- B. Restart must include 2 night periods between 1:00-5:00 a.m. per week**
The restart must cover at least 34 consecutive hours and include at least two periods between 1:00 a.m. and 5:00 a.m. per week, not two periods between midnight and 6:00 a.m. as proposed in the NPRM. Although both alternatives cover most estimates of when the “window of circadian low” occurs, the 4-hour (rather than 6-hour) period addresses concerns drivers raised in the comment period by giving drivers greater flexibility in ending and beginning the restart.
- C. No driving if more than 8 hours since last break of 30 or more minutes.**
The final rule requires that if more than 8 consecutive hours on duty have passed since the last off-duty (or sleeper-berth) period of at least half an hour, a driver must take an off-duty or sleeper berth break of at least 30 minutes before driving.

Penalties: The FMCSA is adopting, as proposed, a rule that driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. This rule allows, but does not require, the agency to treat these violations as egregious.

Effects: All indications are that the regulations will have effects in two areas – first will be the shortening of the driving/working day to 13.5 hours due to the ‘break’ counting within the ‘14 hour’ window. It will not necessarily shorten the driving period which remains at 11 hours but when combined with on duty time could reduce available time in either driving or on duty not driving. The **only** once weekly provision for the 34 hour restart may affect some drivers and some companies may need to adjust their work schedules accordingly.

The FMCAS’s Interstate Truck Driver’s Guide to Hours of Service and up-to-the-minute updates on the implementation of these rules can be found at: <http://www.fmcsa.dot.gov>.

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