

Alert 15-01: Update on Suspension of Provisions in FMCSA Hours of Service Regulations

Background

[ISDI Alert 14-03](#) outlined changes to the Federal Motor Carrier Safety Administration's (FMCSA) Hours of Service (HOS) Rules, effective July 1, 2013. These changes mandated a 30-minute break per eight-hour driving shift for non-"short haul" drivers, limited drivers to only one restart in any 168-hour period, and required drivers to only include two periods of 1:00 a.m. to 5:00 a.m. work in any 34-hour restart before beginning a new 60- or 70-hour workweek. The goal of these changes was to reduce accidents, improve road safety for all and increase trucker health. [Refer to Alert 14-03](#) for more detail.

Recent Changes

On Dec. 16, 2014, President Obama signed a massive federal spending bill that contained a rider temporarily suspending two key provisions of the FMCSA HOS Rules adopted in 2013. The changes mandated in the spending bill were effective immediately. In answer to industry complaints, the restrictions requiring two rest periods between 1:00 and 5:00 a.m. and limiting the use of a restart to once per 168 hours have been suspended until at least Sept. 30, 2015. All other provisions of the HOS Rules remain in effect.

As part of the suspension, FMCSA is required to carry out a study to determine the operational, safety, health and fatigue effects of the rest and restart provisions of the HOS requirements. The Department of Transportation's Inspector General is mandated to review the FMCSA study plan and report to Congress on whether it meets the requirements of this directive.

It is expected that Congress will consider a further extension of these modifications, or perhaps make them permanent, as part of either the highway reauthorization legislation or Department of Transportation appropriations bill to be considered later in 2015.

Impact

The American Trucking Association (ATA) and the Owner-Operator Independent Driver's Association (OOIDA) applauded the passage of this suspension and indicated it looks forward to potential modifications to the HOS restart rule. The trucking industry had sought suspension of the restart provision since it was made effective in 2013. The ATA called the omnibus rider "needed relief from the unjustified and risk-raising regulations" and stated it provides a "common sense 'time out' to allow for proper research to be conducted." Todd Spencer of OOIDA commented, "Small business truckers know from personal experience that current restart restrictions compromise safety by forcing them onto the roads during the most congested and dangerous hours of morning traffic."

Links for More Information

- For more on the 2013 HOS revisions, see [Alert 14-03](#).
- For more on the ATA's position on the suspension, see <http://bit.ly/1yGr1MI> and <http://bit.ly/1wyl9Pg>.
- For more on OOIDA's position, see <http://bit.ly/1tRI7a0>.

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