

## Alert 20-07: FMCSA Hours of Service Regulations Changes

In July of 2013, controversial revisions to the Department of Transportation's Federal Motor Carrier Safety Administration's (FMCSA) Hours of Service (HOS) regulations went into effect. With the goal of improving driver health and road safety, the revisions required drivers to take at least a 30-minute break after eight hours on duty. The break requirement excluded "short-haul" drivers. The 34-hour restart rule was also revised, limiting drivers to only one restart in a seven-day period and requiring drivers to be off duty on two consecutive days between 1 a.m. and 5 a.m. before beginning a new 60- or 70-hour work week. (Refer to ISDI Alert 14-03).

In answer to industry complaints, some of these revisions were temporarily suspended in December 2014. Although the 30-minute break rule would be enforced, 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 were temporarily suspended. As part of the suspension, FMCSA was required to carry out a study to determine the operational, safety, health and fatigue effects of the rest and restart provisions before they could be reinstated. (Refer to ISDI Alert 15-01). However, in December 2015, President Obama signed into law a fiscal 2016 funding bill that added requirements to the ongoing review of the HOS restart rule, guaranteeing the two provisions remained suspended.

At nearly the same time, FMCSA received feedback from members of Congress and other interested parties expressing the need for additional flexibility for drivers. This feedback sparked additional review and, after President Trump took office, FMCSA published an Advance Notice of Proposed Rulemaking (ANPRM) formally inviting public comment and input on four specific aspects of the HOS rules:

- The short-haul limit;
- The exception for adverse driving conditions;
- The 30-minute rest break provision; and
- The split-sleeper berth rule to allow drivers to split their required time in the sleeper berth.

In August 2019, as a result of public input, FMCSA published the long-anticipated Notice of Proposed Rulemaking (NPRM) on changes to the HOS regulations. FMCSA noted in the NPRM that these changes would result in an estimated \$274 million in savings for the U.S. economy and American consumers.

After evaluating over 8,000 comments, FMCSA published its long-awaited final rule in June 2020 that incorporated changes to the HOS regulations with four significant revisions. The final rule:

- Allows a 30-minute break after 8 hours of driving time (not on-duty time) and allows an on duty/not driving period to qualify as the required break.
- Allows drivers to split their sleeper berth exception into two periods (an 8/2 or 7/3 split) and neither would count against the drivers 14-hour window.
- Addresses adverse driving conditions by permitting an extra two hours to the allowed driving window.

- Changes the short-haul exception available to certain commercial drivers by lengthening the drivers' maximum on duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

According to FMCSA, because the rule provides greater flexibility for drivers to take breaks and greater flexibility to obtain recuperative sleep, the rule will not have an adverse impact on drivers' health.

This final rule is effective September 29, 2020 and was favorably received by stakeholders.

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