

# CCJ Solutions Summit

PUSHING PRODUCTIVITY: PUT THE NEW REGULATORY  
CHANGES TO WORK FOR YOU

November 19, 2019



# CRITICAL ISSUES IN THE TRUCKING INDUSTRY-2019

Rank	Commercial Drivers	Motor Carriers
1	Driver Compensation	Driver Shortage
2	Hours-of-Service (HOS)	Driver Retention
3	Truck Parking	Hours-of-Service (HOS)
4	ELD Mandate	Compliance, Safety, Accountability (CSA)
5	Detention / Delay at Customer Facilities	Transportation Infrastructure / Congestion / Funding
6	Speed Limiters	Detention / Delay at Customer Facilities
7	Driver Training Standards	Economy
8	Driver Distraction	ELD Mandate
9	Transportation Infrastructure / Congestion / Funding	Insurance Cost / Availability
10	Autonomous Truck Technology	Tort Reform

# PROPOSED HOS CHANGES

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U.S. Transportation Secretary Elaine Chao comments:

*“This proposed rule seeks to enhance safety by giving America’s commercial drivers more flexibility while maintaining the safety limits on driving time”*

FMCSA Administrator Raymond Martinez comments:

*“Commonsense approach to crafting hours-of-service regulations that are more flexible for truck drivers and promote safety for all who share the road”*

*“The changes are intended to help drivers better manage challenges in their daily schedules. That is congestion, parking issues — unexpected adverse conditions that may arise”*

*“They need some level of flexibility that allows them to work around. Many of them felt they were racing the clock (AOBRD or ELD). We hope that providing this type of flexibility puts a little more power back in the hands of drivers and carriers to make smart decisions with regard to safety and the realities of what they’re facing on the roadways”*

# PROPOSED HOS CHANGES

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The FMCSA Five Key Proposed Revisions to Existing HOS rules:

- **Split Sleeper-Berth**
- **Split Duty Period (14 Hour Pause)**
- **30 Minute Break Rule**
- **Adverse Driving Conditions**
- **Short-Haul Exception**

# **PROPOSED HOS CHANGES**

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## **Split Sleeper-Berth Exception**

### **Current**

- A driver can use the sleeper berth to get 10 consecutive hours off duty. But the driver must spend at least eight hours (no more than 10 hours) in the berth, which does not count toward the 14-hour window. A second period has to be at least two consecutive hours (but less than 10 hours) and would count toward the 14-hour window

### **Proposed**

- A The 10-hour break requirement could be split into two: One break of at least seven hours in the sleeper berth and another break of no less than two hours (7 & 3 or 8 & 2) spent either off duty or in sleeper berth. Neither counts toward the 14-hour driving window.



# PROPOSED HOS CHANGES

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## Split Duty Period (14 Hour Pause)

### Current

- Once on duty a 14-hour clock starts runs continuously. Once 14-hours is up the driver can't operate a commercial motor vehicle again for at least 10 hours.

### Proposed

- Allow the driver to **pause the clock on the 14-hour window** by taking one off-duty break of at least 30 minutes, but no longer than three hours.

# PROPOSED HOS CHANGES

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## 30-Minute Break Rule

### Current

- A driver must take a 30-minute off-duty break (off-duty or sleeper berth) if more than eight hours have passed since the last off-duty break of at least 30 minutes.

### Proposed

- Allow drivers to use “**on duty, not driving status**” to satisfy the 30-minute break requirement.

# PROPOSED HOS CHANGES

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## Adverse Driving Conditions

### Current

- Under adverse driving conditions, Drivers can drive their truck two additional hours beyond the maximum time allowed, but this doesn't extend the 14-hour window.

### Proposed

- Extending the **14-hour window** by two hours during adverse driving conditions



# PROPOSED HOS CHANGES

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## Short-Haul Exceptions

### Current

- Cannot be on-duty no more than 12 hours.
- Cannot drive beyond 100 air-mile radius of reporting location.

### Proposed

- Extending the on-duty time to 14 hours.
- Extending the driving distance limit to 150 air miles.

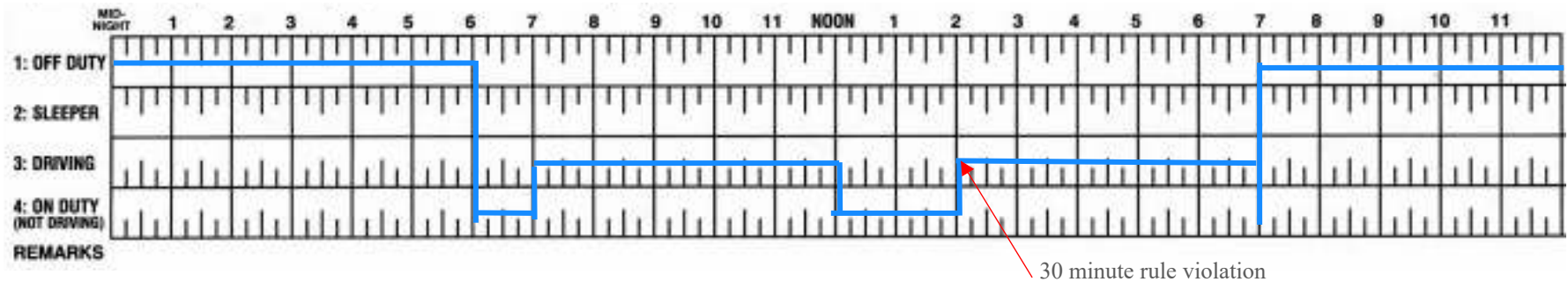
# PROPOSED CHANGES

HOS Rule	Current	Proposed
<b>Split sleeper berth</b>	A driver can use the sleeper berth to get 10 consecutive hours off duty. But the driver must spend at least eight hours (no more than 10 hours) in the berth, which does not count toward the 14-hour window. A second period has to be at least two consecutive hours (but less than 10 hours) and would count toward the 14-hour window.	The 10-hour break requirement could be <b>split into two periods</b> : One break of at least seven hours in the sleeper berth and another break of no less than two hours spent either off duty or in sleeper berth. Neither counts toward the 14-hour driving window.
<b>Split duty period (14 hour pause)</b>	Once on duty a 14-hour clock starts runs continuously. Once 14-hours is up the driver can't operate a commercial motor vehicle again for at least 10 hours.	The driver can take one off-duty break of at least 30 minutes, but no longer than three hours, that would <b>pause the clock on the 14-hour window for the length of the break</b> .
<b>30-minute break</b>	A driver must take a 30-minute off-duty break if more than eight hours have passed since the last off-duty break of at least 30 minutes.	The 30-minute break requirement can be <b>satisfied by "on-duty, not driving" time</b> .
<b>Adverse driving conditions</b>	Drivers can drive their truck two additional hours beyond the maximum time allowed, but this doesn't extend the 14-hour window.	Drivers can <b>extend their 14-hour window</b> by two hours during adverse driving conditions.
<b>Short haul</b>	Drivers using the short-haul exemption can't be on duty more than 12 hours and cannot drive beyond a 100 air-mile radius.	The maximum <b>on-duty window increases</b> from 12 hours to 14 hours and <b>extends the distance</b> drivers can operate from 100 air miles to 150 air miles.

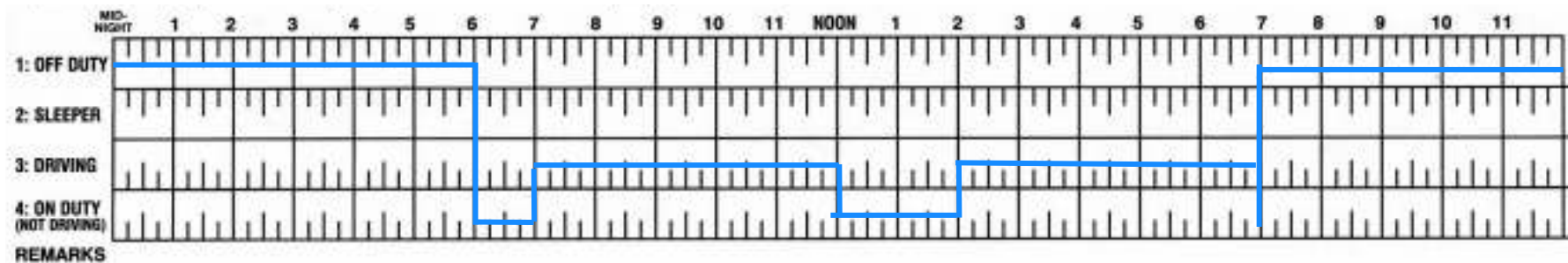
# EXAMPLES

Jane Johnson completes loading and her post trip inspection at 10pm (day prior) in White House, TN. She then goes off-duty for 10 hours. She gets up at 6am, completes some paperwork, her pre-trip and drives to Norcross, GA (276 miles). The trip takes her 5 hours to complete. She unloads and is able to reload at the same DC with a load headed to Baldwin, FL (340 miles), which also takes 5 hours to complete. She then completes her post-trip inspection and takes her 10 hours off-duty.

## Current Rules: 30-minute break violation at 2pm.



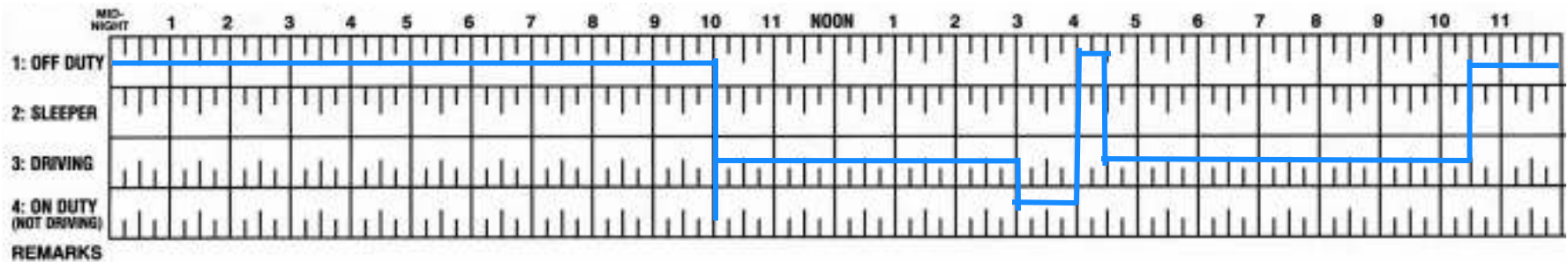
## Proposal: No violation. The “On Duty, Not Driving” time satisfies the rule.



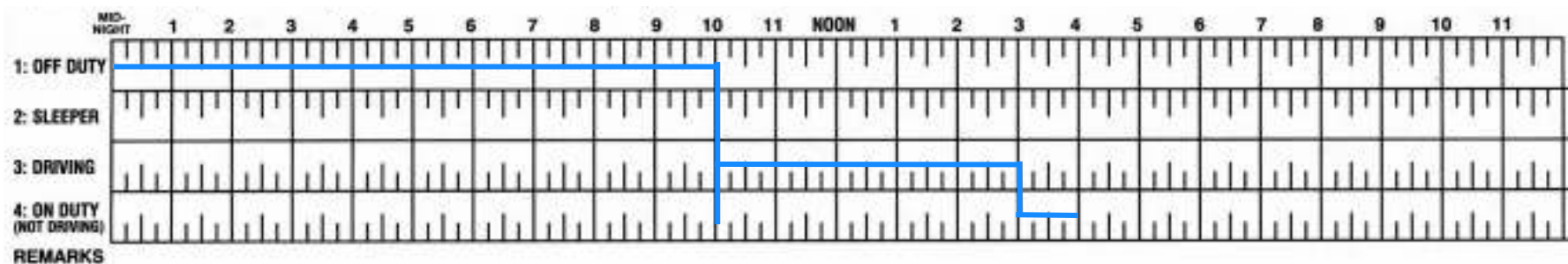
## EXAMPLES

Jane Johnson completes loading and her post trip inspection at midnight in White House, TN. She then goes off duty for 10 hours. She gets up at 10am, completes her pre-trip and drives to Norcross, GA (276 miles). The trip takes her 5 hours to complete. She unloads and is able to reload at the same DC with a load headed to Baldwin, FL (340 miles). She has 6 hours available and should be able to complete the trip. She takes her 30 minute break and leaves out. Due to rush hour traffic in Atlanta, she only gets to Tifton, GA, 150 miles from Baldwin.

**Current Rules: Ends up in Tifton, GA. After her 10 hours off-duty, she can't start the next day until 8:30am. She still has 150 miles left on her trip. After unloading, it is estimated that she will be available around 12:30pm the following day.**



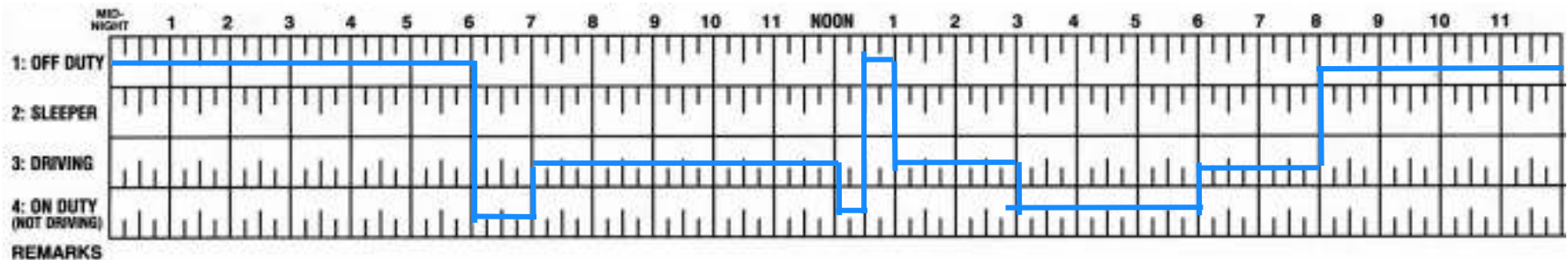
### Proposed Rules:



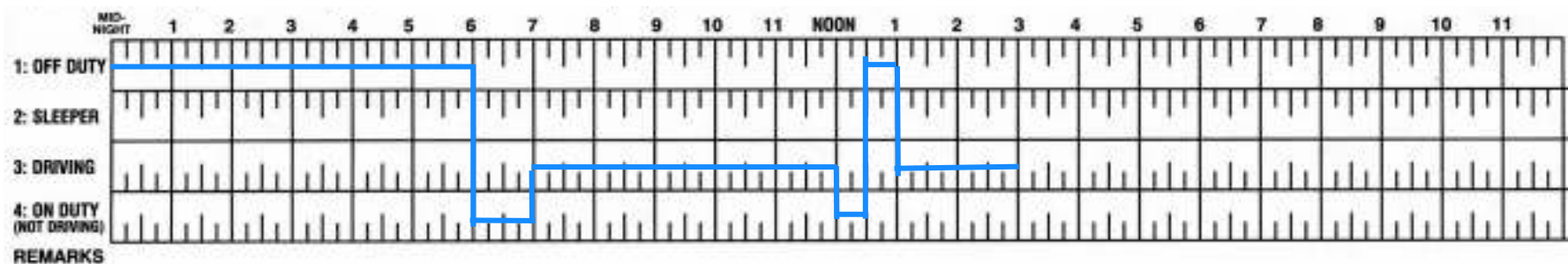
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**Current Rules:** The current rules allow no relief in driving times for adverse driving conditions so, after sitting in a traffic delay of 3 hours, her 14 hour clock runs out in Valdosta, GA. After her 10 hours off-duty, she can't start the next day until 6am. She will still have 100 miles left on her trip. Estimating her unloading and being available around 9am the following day.



## Proposed Rules:

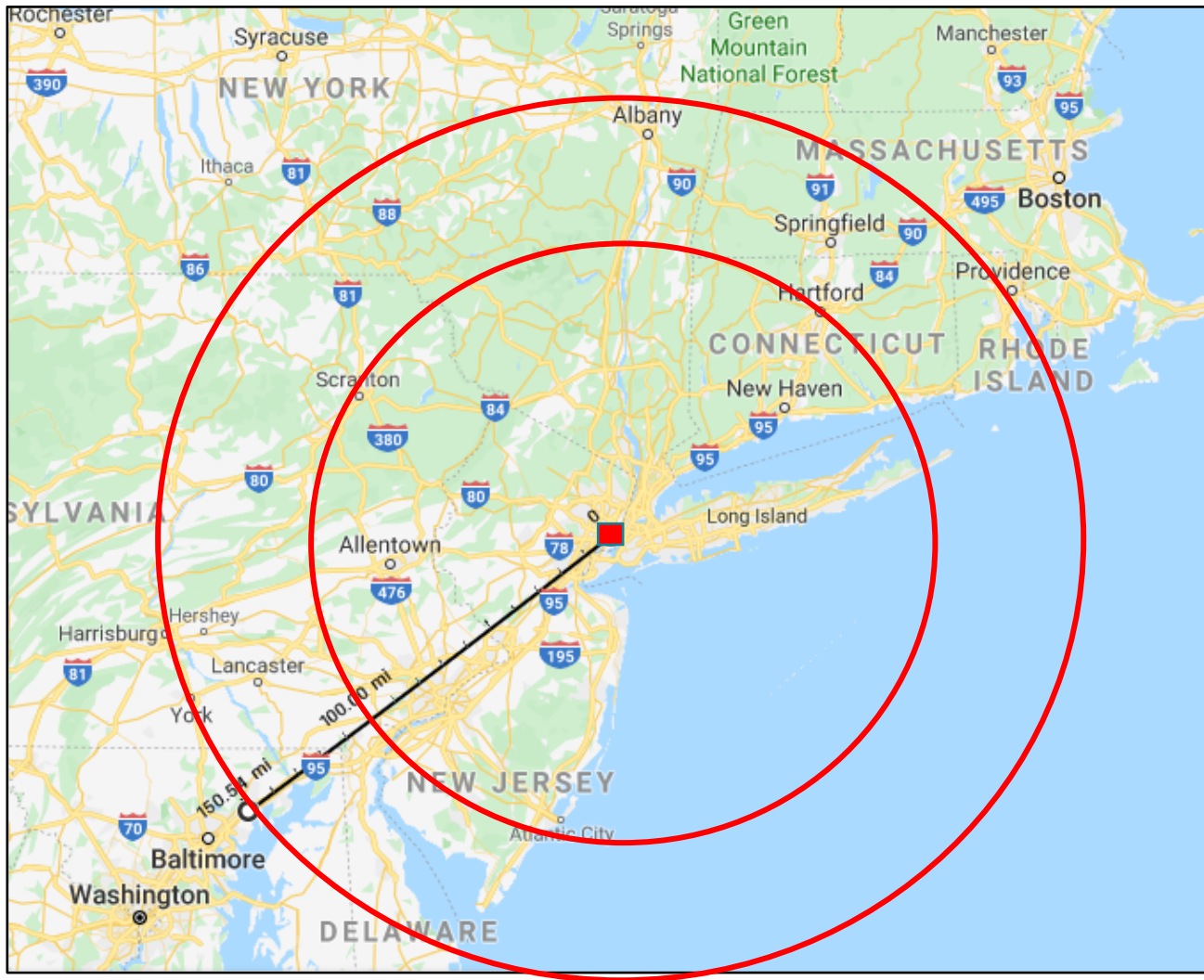




# PROPOSED CHANGES

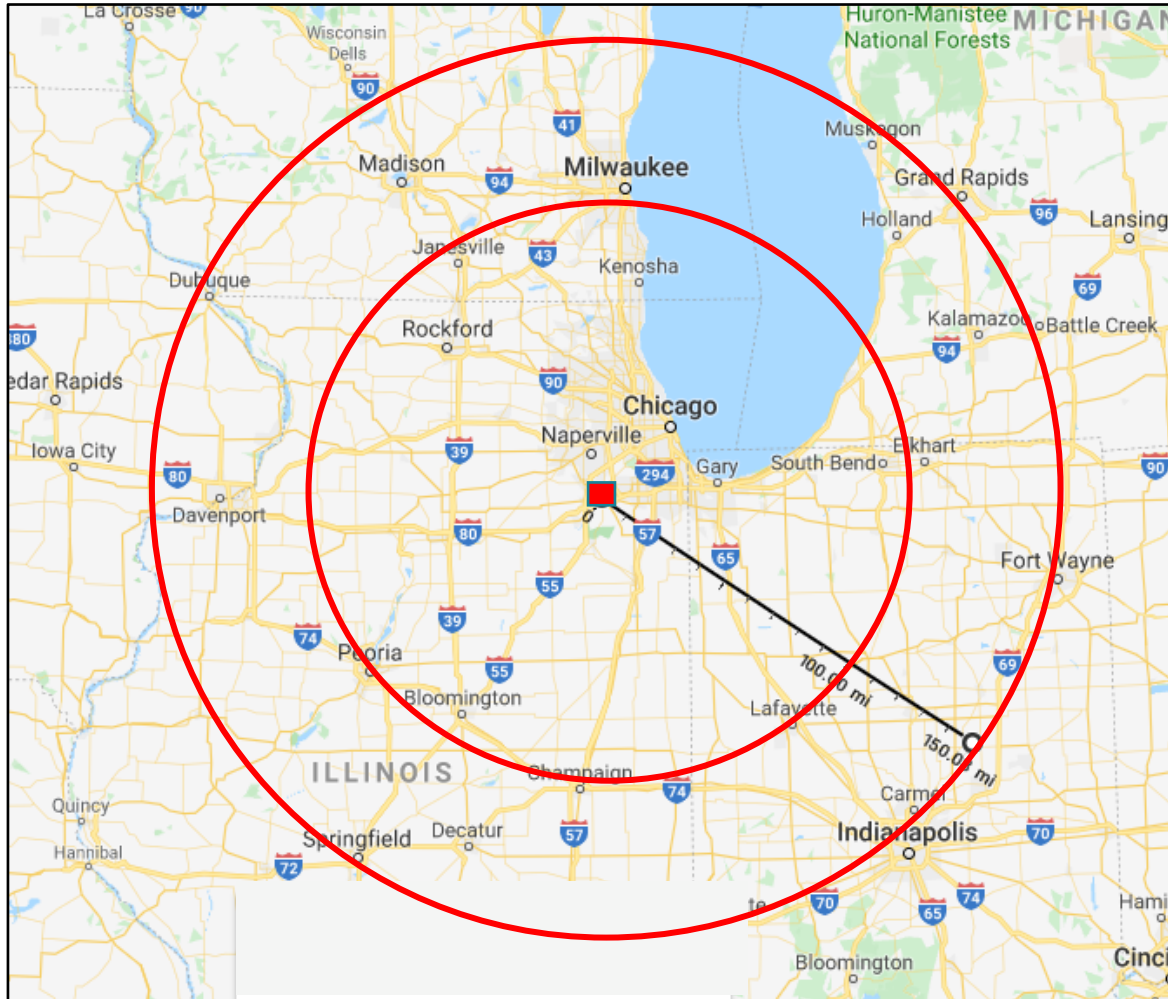


# PROPOSED CHANGES

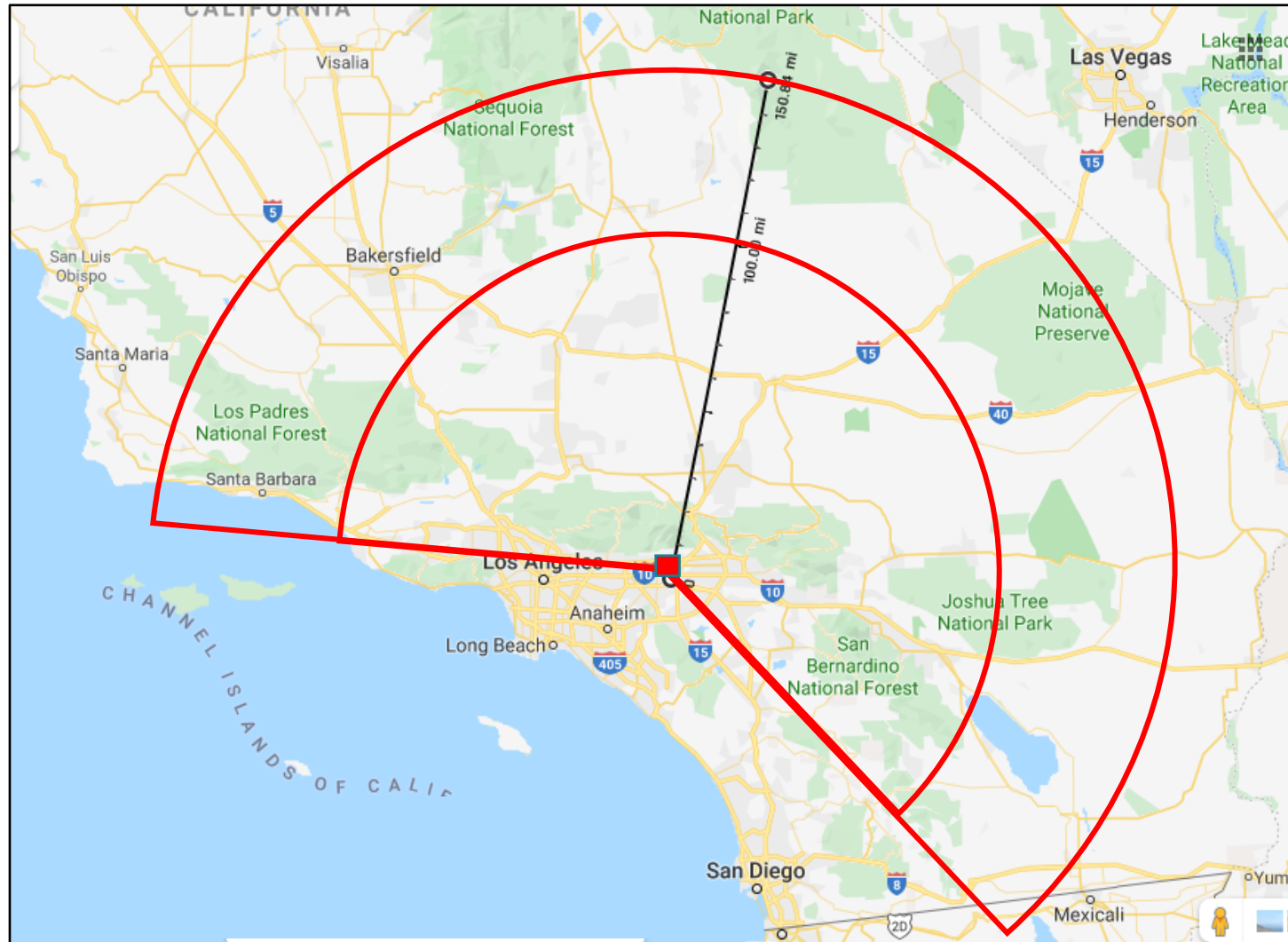




# PROPOSED CHANGES



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# PROPOSED CHANGES, FEEDBACK & COMMENTS

The FMCSA received more than 2,600 comments on the HOS proposal.

The American Trucking Association, the Owner-Operator Independent Drivers Association, in general, support the proposed changes with a few exceptions. Most of the comments are focused at the split-sleeper option asking for more options and flexibility.

The Commercial Vehicle Safety Alliance had concerns regarding changes and confusion to the 30-minute rest break rule. “The FMCSA should revoke all existing applicable on-duty exemptions to the 30-minute rest break requirement.”

The Truckload Carriers Association also expressed concern about the impact of this proposal on the ELD mandate. The TCA is opposed to any proposal which would weaken the ELD mandate.

The National Transportation Safety Board, The National Safety Council, The Teamsters Union, Advocates for Auto and Highway Safety, and Road Safe America, all, oppose any changes to the current HOS rules.

# PROPOSED CHANGES

HOS Rule	Current	Proposed
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