

# MANUFACTURED HOUSING INSTITUTE

## Transportation Resource Manual – Guideline 002

### Hours of Service of Drivers (HOS): Driver Rest and Sleep for Safe Operation

The Federal Motor Carrier Safety Administration (FMCSA) released its final rule on the hours of service of drivers on April 28, 2003, at 68 FR 22455 – 22517. The final rule can be downloaded at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-9971.pdf>. The effective date of the final rule is June 27, 2003. The compliance date when all motor carriers, drivers, and enforcement officials will switch to the final rule's prescribed requirements is January 4, 2004.

Currently, commercial motor carriers (CMVs) are required to conform to the following for driver operation and to obtain the needed rest before resuming driving operations. The regulations governing HOS require motor carriers of property to provide drivers with better opportunities to obtain sleep, and thereby reduce the incidence of crashes attributed in whole, or in part, to drivers operating CMVs while drowsy, tired or fatigued.

Prior to October 1, 2005, the 2003 HOS regulations remained in effect. The FMCSA issued new rulemaking on the HOS on August 25, 2005, at 70 FR 49977 – 50073. The new final rule can be downloaded at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-16498.pdf>. New HOS regulations took effect on October 1, 2005, with a transitional period for compliance and enforcement from October 1, 2005, through December 31, 2005.

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1.0 Existing regulations prior to the FMCSA April 28<sup>th</sup> final rulemaking:

- 1.1 Driving Time = 10 hours
- 1.2 On-Duty Time = 15 consecutive hours (breaks may extend on-duty time)
- 1.3 Off-Duty Time = 8 consecutive hours
- 1.4 Maximum On-Duty Time = 60 hours in 7 days or 70 hours in 8 days

**NOTE:** *This alternating day-night operation has been proven to be detrimental to driver sleep thereby increasing the risk for accidents. The FMCSA final rule would provide an alternative to create incremental changes to the current on-duty/off-duty driving requirements, provide an exception for short haul drivers, and adopt restart provisions for weekly on-duty time limits.*

2.0 New regulations contained in the FMCSA April 28<sup>th</sup> final rulemaking are:

- 2.1 Driving Time = 11 hours
- 2.2 On-Duty Time = 14 consecutive hours (breaks do not extend on-duty time)
- 2.3 Off-Duty Time = 10 consecutive hours
- 2.4 Maximum On-Duty Time = 60 hours in 7 days or 70 hours in 8 days [a 34-hour restart (off-duty) time is required]

**NOTE:** *FMCSA is convinced that 14 hours after the beginning of a duty tour is sufficient, given the significantly increasing degradation of performance, which occurs in the later stages of a work shift. The FMCSA believes this limit is materially better from a safety standpoint than the current regulations under which a driver could conceivably still be allowed to return to the wheel several hours after the 15 hour limit has passed (because off-duty breaks can extend into the workday).*

3.0 Other requirements contained in the FMCSA final rule for property carriers are:

- 3.1 CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.
- 3.2 Interruptions during the off-duty period (phone calls that interrupt sleep) would not trigger a new off-duty period.
- 3.3 Carriers will have an on-duty period limit for 14 hours from the start of each duty tour to do all work, naps, and meal breaks. These carriers cannot drive for more than 11 consecutive hours after the start of each duty tour.
- 3.4 Carriers whom have returned to their normal work reporting locations each of the last five work days (short haul), may be on-duty, one day out of each seven-day period, for up to 16 consecutive hours after starting the duty tour.
- 3.5 Drivers are to account for both their driving time and non-driving time.
- 3.6 FMCSA modified the rule to include a restart provision. If the driver accumulated duty time at the maximum rate, he/she would reach the limit in approximately 5 days and would have to take at least 34 consecutive hours off-duty before the start of a new duty tour.
- 3.7 Breaks for meals, naps, and rest periods will not extend the workday.
- 3.8 Drivers of property-carrying CMVs which do not require a commercial driver's license for operation and who operate within a 150 air-mile radius of their work reporting location:
  - may drive a maximum of 11 hours on duty following 10 or more consecutive hours off duty
  - are not required to keep records of duty status
  - may not drive after the 14<sup>th</sup> hour after coming on duty 5 days a week, or after the 16<sup>th</sup> hour after coming on duty 2 days per week
  - employers must maintain and retain records for a period of 6 months showing the time the duty period began, ended, and total duty hours worked each day.

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