

8/19/2019 | Insights Transportation Law Insights

FMCSA Proposes Flexible, Safe Hours of Service Regulations

On Wednesday, August 14, 2019, the Federal Motor Carrier Safety Administration (“FMCSA”) published proposed changes to regulations which dictate how truck drivers complete their hours of service (“HOS”). The FMCSA proposed these changes to: (1) provide truck drivers with increased flexibility to complete their routes; and (2) maintain highway safety through limits on truck driver's consecutive time on the road.

The FMCSA previously addressed these changes in August 2018, when it published an Advanced Notice of Proposed Rulemaking. In response, the FMCSA received 5,200 public comments. Many of these comments came from truck drivers who requested relief from previously existing, strict regulations because they require them to drive while fatigued. To address truck drivers’ concerns, the FMCSA proposed the following changes to the HOS Regulations:

1. Amending the 30-minute break rule to require a break after eight hours of uninterrupted driving time, thereby allowing the truck driver to satisfy his requisite break time by using his on-duty/not-driving status, as opposed to requiring the trucker to break while off-duty.
2. Allowing truck drivers to split their required ten hours of off-duty into two periods: one period of at least seven consecutive hours in the sleeper berth and the other period of no less than two consecutive hours either off-duty or in the sleeper berth. Neither period would count against the driver's 14-hour driving window.
3. Permitting one off-duty break of at least 30 minutes—but not more than three hours—that would pause a truck driver's fourteen-hour driving window, provided the driver takes ten consecutive hours off-duty at the end of his work shift.
4. Modifying the adverse driving conditions' exception by extending the maximum window during which driving is permitted by two hours. This would extend a workday to as much as 16 hours during adverse conditions.
5. Changing the short-haul exception available to certain truck drivers by lengthening a driver's 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.

The proposed changes are “crafted to improve safety on the Nation's roadways” and projected to save \$274 million for the U.S. economy. The FMCSA is welcoming public comment on the changes for 45 days. After this period, it will likely take several months before the changes go into effect. The Federal Register Notice, including how to submit comments, is available by clicking [here](#):



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