

May 14, 2020

U.S. Department of Transportation Modernizes Hours of Service Rules

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced the publication of its final rule updating hours of service (HOS) rules to increase safety on America's roadways by updating existing regulations for commercial motor vehicle (CMV) drivers.

FMCSA Acting Administrator Jim Mullen broke down the revisions to the HOS rules during a press conference call on May 14. The revisions, Mullen said, were the result of 8,000 public comments the agency received and were made to add "needed flexibility in the lives of America's truckers."

The final rule includes the following four revisions to the HOS rules:

1. FMCSA will provide added flexibility for the 30-minute break after eight hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break.
2. The agency will modify the sleeper berth exception to allow drivers to split their 10-hour minimum off-duty requirement into two separate periods—an eight and two hour split or a seven and three hour split (7/3 splits)—with neither periods counting against the driver's 14-hour driving window.
3. FMCSA will modify the adverse driving conditions exception by extending the maximum window during which driving is permitted by two hours. The current rule already permits two hours of additional driving time on the 11-hour clock, so this expands the 14-hour on-duty clock by two hours as well.
4. Finally, the agency will change the short-haul exemption available to certain commercial drivers by lengthening the driver's maximum on-duty period from 12 to 14 hours and extending the distance limit

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within which the driver may operate from 100 air miles to 150 air miles.

This new rule will not increase driving time and will continue to prevent CMV [commercial motor vehicle] operators from driving for more than eight consecutive hours without at least a 30-minute change-in -duty status. FMCSA's rule is also estimated to provide nearly \$274 million in annualized cost savings for the U.S. economy and American consumers.

U.S. Transportation Secretary Elaine L. Chao highlighted what she called the "tremendous contributions" of America's truck drivers since the start of the COVID-19 pandemic in the U.S.

The final revisions "provide much-needed flexibility for drivers while maintaining safety on the roads." said Chao. "This new final rule will improve safety for all motorists and increase flexibility for America's truckers," she said. "This has been a deliberate and a careful process provided by the direct feedback we've had from truckers, carriers, safety advocates, law enforcement, and concerned residents and citizens."

The Truckload Carriers Association (TCA) applauded FMCSA for "taking an active role in receiving input from all stakeholders to craft flexible regulations for the industry while still improving safety, and for also expediting this rule change to provide the maximum benefit."

"The new hours-of-service changes show that FMCSA is listening to industry and fulfilling its duty to establish data-driven regulations that truly work," stated TCA President John Lyboldt. "We especially thank the Agency for moving forward with additional sleeper berth flexibility. While TCA and our members advocate for full flexibility in the sleeper berth for our drivers, FMCSA's new regulations demonstrate that we are one step closer to achieving that goal."

The final rule is expected to be published in the Federal Register in the coming week and will be effective 120 days after publication.

The latest information, declarations, and resources on FMCSA's response to the COVID-19 are available [here](#).

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