

FMCSA Publishes Proposed Hours of Service of Drivers Rule

The Federal Motor Carrier Safety Administration (FMCSA) has published a proposed hours of service (HOS) of drivers rule that will amend the current regulations governing service and rest periods for drivers of property-carrying commercial motor vehicles (CMVs). Hours of Service of Drivers, 75 Fed. Reg. 82,170 (proposed Dec. 29, 2010) (to be codified at 49 C.F.R. pts. 385, 386, 390, 395).

Changes that the proposed rule may make to the current regulations include:

- Limiting drivers to 10 hours of driving time following an off-duty period of at least 10 consecutive hours. FMCSA is also considering maintaining the current 11-hour driving time maximum.
- Reducing the duty day to a 14-hour “driving window,” which can be extended up to 16 hours only twice per week.
- Reducing the maximum actual on-duty time to 13 hours within the driving window. This will allow for either 1 or 3 hours of total off-duty break time, depending on whether the driving window is 14 or 16 hours.
- Not allowing any driving beyond 7 consecutive hours from the last off-duty period of at least 30 minutes.
- Revising the definition of “on-duty” to exclude time spent resting in a parked CMV and up to 2 hours riding in the passenger seat immediately before or after an 8-hour period in a sleeper berth.
- Limiting the use of a “restart” of the 60- or 70-hour clock to once per week and requiring that the 34-hour minimum restart off-duty period span at least two nights, which run from midnight to 6 a.m.
- Increasing the maximum penalty for egregious violations of the driving time limits.
- Specifying that waiting time at an oilfield is not on-duty time and shall not be included in calculating the 14- or 16-hour driving window.

FMCSA encourages and will be accepting comments on this proposed rule until February 28, 2011.



FOR MORE INFORMATION

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