

Transportation Update

December 2011

FMCSA Adopts Changes to Hours of Service Regulations

On December 22, 2011, the Federal Motor Carrier Safety Administration (FMCSA) published a [final rule](#) affecting truck driver hours of service (HOS). The rule amends regulations governing duty, driving time and rest periods for drivers of property-carrying commercial motor vehicles (CMVs) by imposing additional limitations on driving time and the use of a “restart” to reset drivers’ weekly duty period clocks. Manufacturers and other businesses that rely on motor carriage for shipping supplies and products may experience higher transit times and additional costs due to the rule’s expected effect on driver productivity.

The final rule includes changes to the current HOS regulations that are generally less aggressive than those included in the proposed rule. Notably, the rule does not reduce the daily driving limit from 11 to 10 hours because the FMCSA could not definitively demonstrate any net benefits from such reduction. In addition, the rule does not reduce the 14-hour maximum driving window. The primary changes made by the final rule are listed below, organized by compliance date.

Compliance date – July 1, 2013

Restarts of a driver’s 60- or 70-hour weekly driving limit clock may occur only once per week and must include two consecutive night periods, which run from 1:00 a.m. to 5:00 a.m.

Driving may only occur within eight consecutive hours after a rest period of at least 30 minutes.

Compliance date – 60 days from rule publication in *Federal Register* (expected compliance date February 27, 2012)

“On-duty” time does not include up to two hours riding in the passenger seat immediately before or after an eight-hour period in a sleeper berth and, except for drivers of certain hazardous materials, time spent resting in a parked CMV.

Waiting time at an oilfield is not on-duty time and not included in calculating the 14-hour driving window.

Exceeding the driving time limits by more than three hours is an egregious violation sufficient to warrant imposing the maximum allowable penalties.

FOR MORE INFORMATION

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