

DOT Safety Regulation Update **Fast-Fax**TM

Week of June 24, 2013

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Hours of Service Special Edition: The 8-Hour Break Rule

The hours of service regulation changes are now in place, but a lot of drivers are still confused about the new rules. We've received a large number of questions about the 8-hour break rule so are including guidance issued by FMCSA in this Special Edition.

Transportation Ticker

Questions About Hours of Service. If you have questions about the new hours of service regulations, head over to our Transportation Ticker blog at www.FoleyServices.com/News.

We are trying to answer as many questions as we can. Take a look at the questions other motor carriers have asked and submit one yourself.

We will also update the blog as soon as we hear about the results of the ATA Lawsuit featured in last week's *Fast-Fax*. A decision is expected in that case some time soon.

To learn how log book auditing could help you spot problems your drivers are having with the new rules call 1-800-253-5506 ext. 0869.

For the rest of the industry news visit www.FoleyServices.com/News

The new hours of service rules went into place this week. We've received a huge number of questions about the new rules, especially the mandated break every 8 hours. It seems that FMCSA has also been hit with a number of questions regarding exactly when drivers need to stop for a break as they have added a number of questions and answers about the subject on their website. We've included their content below in this special edition of *Fast-Fax*.

(1) Why is FMCSA requiring drivers to take breaks?

Recent research found that any break from driving reduces risk in the hour following the break, but off-duty breaks produced the largest reduction. This study also showed that when non-driving activities (both work- and rest-related) were introduced during the driver's shift—creating a break from the driving task—these breaks significantly reduced the risk of being involved in a safety critical event during the 1-hour window after the break. The benefits of breaks from driving ranged from a 30- to 50-percent reduction in risk with the greatest benefit occurring for off-duty (non-working) breaks.

(2) Do I have to take a break exactly 8 hours after I come on duty?

No, the rule gives drivers flexibility in when and where to take the break. The rule only prohibits driving if more than 8

consecutive hours have passed since the last off-duty period of at least 30 minutes. For example, if a driver spends 2 hours loading at the beginning of the day, then has a 10-hour drive ahead, he or she must take the break no later than 8 hours after coming on duty. The driver can, however, take the break earlier. If he or she takes a half-hour or more break at some point between the 4th and 8th hours after coming on duty, the driver can complete the rest of the planned 10 hours of driving without another break.

(3) Does the break have to be spent resting?

No. The driver must be off duty for at least a half hour. Meal breaks or any other off-duty time of at least 30 minutes qualifies as a break. Drivers carrying certain explosives, who are required to attend the vehicle at all times, are allowed to count attendance time, which is on duty, toward the break if they do no other work during that time.

(4) Can the shorter sleeper-berth break (minimum 2 hours) be used to meet the half-hour break requirement?

Yes. Any off-duty or sleeper-berth period of 30 minutes or more will meet the requirement.

(5) Does the break count against the 14-hour driving window?

Yes. Allowing off-duty time to extend the work day would allow drivers to drive long past the time when fatigue becomes extreme.

The 14-consecutive-hour rule was adopted to prevent that and to help drivers maintain a schedule that is consistent with circadian rhythms.

(6) Which drivers are most likely to be affected by this provision?

Commenters to the proposed rule stated that most drivers already take breaks, so they are unlikely to be affected. The only drivers who will be affected are those who drive after working for more than 8 hours without taking any off-duty time.

(7) Can time spent waiting to be loaded or unloaded count toward the break requirement?

Time spent waiting to be loaded or unloaded is on duty unless the driver has been released from all responsibility for the truck. Except for drivers attending loads of certain explosives, on-duty time cannot be considered as a break.

*(8) Are drivers using the "100 air-mile radius" or "non-CDL 150 air-mile radius" provisions in § 395.1(e) required to take the minimum 30-minute break if applicable?

Yes. Drivers operating under the 395.1(e) exceptions may not drive if more than 8 consecutive hours have passed since the last off-duty period of at least 30 minutes. Because they are not required to maintain records of duty status ("logbooks"), they are not required to record the break periods. Revised on February 13, 2012.