

# FMCSA Announces Retention of Limits on Truck Driver Hours of Service

Truck drivers will continue to be limited to driving only 11 hours within a 14-hour duty period, after which they must go off duty for at least 10 hours under an Interim Final Rule (IFR) made public today by the Federal Motor Carrier Safety Administration (FMCSA). The IFR was developed after new data showed that safety levels have been maintained since the 11-hour driving limit was first implemented in 2003.

“This proposal keeps in place hours-of-service limits that improve highway safety by ensuring that drivers are rested and ready to work,” FMCSA Administrator John H. Hill said. “The data makes clear that these rules continue to protect drivers, make our roads safer and keep our economy moving.”

The agency noted that, in 2006, the fatality rate per 100 million vehicle miles traveled was 1.94 – the lowest rate ever recorded. Similarly, since 2003, the percentage of large trucks involved in fatigue-related fatal crashes in the 11th hour of driving has remained below the average of the years 1991-2002. In 2005 alone, the agency noted, there was only one large truck involved in a fatigue-related fatal crash in the 11th hour of driving while in 2004 there were none.

In addition, between 2003, when the 11-hour driving limit and the 34-hour restart were adopted, and 2006, the percent of fatigue-related large truck crashes relative to all fatal large truck crashes has remained consistent. And the agency’s estimates show that only seven percent of large truck crashes are fatigue related.

## Interstate HOS Rule Overview

- The rules allow drivers to drive 11 hours after 10 consecutive hours off-duty. Also, drivers may not drive beyond the 14<sup>th</sup> hour after coming on-duty, following 10 hours off-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty.
- Short-haul truck drivers – those drivers who routinely return to their place of dispatch after each duty tour and then are released from duty – may have an increased on-duty period of 16 hours once during any seven-consecutive-day period. The 16-hour exception takes into consideration legitimate business needs without jeopardizing safety. FMCSA estimates that without the extra two on-duty hours, the industry would be required to hire at least 48,000 new drivers, actually reducing crash-reduction benefits. Those truck and bus drivers operating within a 100 air-mile radius of the driver’s normal work location, who return to that location and are released from duty within 12 hours, will keep time cards as allowed under the current rules.
- The current rule allows 10 hours of driving within a 15-hour on-duty period after eight hours of off-duty time. Also, drivers may not drive after their 15<sup>th</sup> hour on duty in a workday or after 60 hours on-duty in seven consecutive days or 70 hours on-duty in eight consecutive days.
- This rule governs drivers transporting freight in interstate commerce in a property-carrying commercial vehicle with a gross vehicle weight rating of 10,001 pounds or more, and operating vehicles transporting hazardous materials in quantities requiring vehicle placards. Carriers will operate under current hours-of-service regulations through Jan. 3, 2004. Drivers of buses (passenger-carrying CMVs) involved in interstate transportation will continue to use the current hours-of-service regulations.
- Vehicles used in oil-field operations, ground-water well-drilling operations, utility service, and transporting construction materials and equipment retain the 24-hour restart provision provided by the National Highway System Designation Act. Agricultural operations will retain their current statutory exemption from driving time requirements when occurring within a 100 air-mile radius of a farm or distribution point during planting and harvesting seasons. The same applies for construction but under 50 miles. (Note: that CHP/California intrastate for drivers, adopted the transporting construction materials and equipment 24-hour restart provision consistent with these Federal regulations late last year.)

Hill also noted that the agency is working to finalize a proposed rule that would require drivers and trucking companies with serious or repeat hours-of-service violations to track their hours of service using electronic on-board recorders.

The agency issued the new hours of service rule in response to the recent decision by the D.C. Circuit Court of Appeals vacating key provisions of the existing hours of service rules effective on December 27.

In order to ensure no gap in coverage of these important safety rules, today's rule temporarily reinstates those two provisions while the agency gathers public comment on its actions and the underlying safety analysis before issuing a final rule.

The IFR is available at: <http://www.fmcsa.dot.gov/about/news/news-releases/2007/hos.pdf>