

# THE NEW HOURS Rule

ciency that absorbs more driver on-duty time than all of the changes in the final rule.

The “relatively small” impact of the rule could be offset if shippers and receivers set and kept appointment times for loading and unloading, the agency says. “FMCSA has no obligation to allow drivers to work

excessively long hours a week to compensate for delays in the supply chain.”

The agency added that it intends to examine the impact of detention time on hours of service violations.

The agency acknowledged that, as the industry contends, the new rule may require some carriers to take on more

## What’s in the new hours of service rule:

### The Federal Motor

#### Carrier Safety

#### Administrations’

objective with the new hours of service rule is to reduce both acute and chronic fatigue by limiting the maximum number of hours per day and week drivers can work.

It preserves the 11-hour limit on driving time, rather than cutting back to 10 hours as many had feared. In general, however, the changes are a tightening of the current rule.

Here’s a rundown on the major provisions, most of which take effect July 1, 2013.

#### The 34-hour restart

The new rule limits use of the 34-hour restart to once a week and requires at least two periods of rest between 1 a.m. and 5 a.m.

The two successive rest periods are a slight easing of the agency’s initial proposal, which was to require rest between midnight and 6 a.m. The idea is to target the circadian low that occurs in the wee hours, but give drivers a little more flexibility in when they start and end their rest periods.

#### No 16-hour shift

The agency decided not to adopt its original proposal to extend a driver’s daily shift to 16 hours twice a week.

The idea was to accommodate for circumstances such as loading and unloading, and allowing drivers to count some time spent parked in their trucks toward off-duty hours. But the agency says research shows that driving in the 16th hour after coming on duty is much riskier than driving in the early hours of a duty day.

#### Taking a break

If it has been more than eight hours since a driver took an off-duty or sleeper berth half-hour break, he must take a half-hour break before resuming driving.

#### 14-hour window

The 14-hour driving window remains the same. The agency had proposed limiting on-duty time to 13 hours within the 14-hour window, but decided not to because it was too complex.

Now, with the half-hour break requirement, drivers will be able to work 13.5 hours in the 14-hour period if they are still driving after the eighth hour on

#### On-duty defined

The new rule changes the definition of on-duty time. Under current rules, it’s defined as any time in the truck, except the sleeper berth. Under the new rule, it will not include any time spent resting in a parked truck, or up to two hours in the passenger seat of a moving truck immediately before or after eight hours in a sleeper berth.

This provision goes into effect sooner, on Feb. 27.

#### Offfield operations

The offfield operations exemption will be revised. Under the new rule, “waiting time” for certain drivers at offfields must be logged as off-duty and identified by a note in the “remarks” section or in a separate line. This provision is effective Feb. 27.

#### Egregious defined

The agency is going ahead with a new definition of an “egregious” hours of service violation: driving or allowing a driver to drive three or more hours beyond the limit. These violations may be subject to the maximum civil penalty. They take effect Feb. 27.

“FMCSA did a really good job justifying what they did and why they did it.”

—CVSA  
President  
Steve Keppler