



Hours of Service (HOS)

Highway safety is incredibly important. TCA supports HOS regulations that are practical and promote operational flexibility. Motor carriers must not be subject to citations or penalties for violations of HOS requirements that result from activities over which they have no control. Also, with the ongoing data collection from electronic logging devices (ELDs), future analysis will likely show that regulatory flexibility will have an undeniably positive impact on roadway safety.

TCA supports the Federal Motor Carrier Safety Administration's (FMCSA) 2019 Notice of Proposed Rulemaking (NPRM) to provide more flexibility for drivers utilizing their sleeper berth.

- The NPRM proposed five major changes from the present HOS rules:
 1. The 30-minute break
 - The proposal would change the 30-minute break requirement to require a break after 8 hours of uninterrupted driving time, not on-duty time, and allowing the break to be satisfied by a driver using on-duty/not driving status, rather than off-duty.
 - While this is an improvement over the restrictive and unnecessary current regulation, TCA would prefer to see the 30-minute rest break requirement completely removed.
 - Drivers are already stopping for 30 minutes or more to eat, use the restroom, fuel up their trucks, or just to rest their eyes.
 2. Split sleeper berth
 - The proposal would allow drivers to split their required 10 hours off-duty into two periods: one of at least 7 consecutive hours and one of no less than 2 consecutive hours. This would provide for a 7/3 split in addition to the 8/2 and 9/1 splits currently allowed.
 - While 7/3 is an improvement, TCA advocates for full sleeper berth flexibility, including 5/5 and 6/4 splits.
 - Drivers must have the ability to stop their 14-hour on-duty clock and rest when they are fatigued.
 - Giving drivers this flexibility will also help address issues such as urban congestion and detention time.
 - TCA does not advocate for extending the 14-hour workday, but rather for giving the driver the flexibility to split the workday and rest when needed.
 3. 3-hour pause
 - The proposal would allow one off-duty break of at least 30 minutes, but not more than three hours, that would pause a truck driver's 14-hour on-duty window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift.

- This flexibility would be utilized most by less-than-truckload (LTL) drivers as opposed to TCA's long-haul members.
 - This provision can be interpreted as lengthening the 14-hour workday.
4. Adverse driving conditions
- The proposal would add 2 hours to the 14-hour driving window when drivers utilize the adverse driving conditions exception.
 - The current rule allows for an extra 2 hours to be added to the 11-hour driving time, but it still must be within the maximum 14-hour workday. This restriction currently dissuades drivers from utilizing the exemption when they are truly facing dangerous conditions.
5. Short-haul exemption
- The proposal would standardize the short-haul exemption by lengthening a driver's maximum on-duty period from 12 to 14 hours and extending the distance limit within which a driver may operate from 100 air miles to 150 air miles.
 - TCA's members typically do not operate short haul, but we support standardizing the regulations for ease of understanding for all drivers.
 - If FMCSA pursues this regulatory change, TCA would insist that all drivers be required to log their HOS electronically, regardless of distance traveled.
 - FMCSA's proposal could weaken the ELD mandate, which limits the opportunity for drivers to falsify their HOS in a paper logbook.

The American Transportation Research Institute (ATRI) has conducted research to quantify the impacts of the current HOS rules.

- ATRI's findings indicate that 80% of motor carriers show a loss of productivity due to the HOS rules, and driver pay impacts were estimated to vary from \$1.6 billion to \$3.9 billion annually.

Congress is currently considering legislation to provide exemptions or additional flexibility on the HOS regulations for agriculture haulers.

- [S. 600](#) – Modernizing Agricultural Transportation Act
 - Directs DOT to establish a working group to (1) identify obstacles to safe, humane, and market-efficient transport of livestock, insects, and agricultural commodities; and (2) develop guidelines and recommended regulatory or legislative actions to improve the safe, humane, and efficient transport of livestock, insects, and agricultural commodities.
- [S. 1255](#) – Transporting Livestock Across America Safely Act
- [H.R. 487](#) – Transporting Livestock Across America Safely Act
 - Requires DOT to amend regulations on HOS for commercial drivers who transport livestock or insects within a 300 air-mile radius from where the on-duty time of the driver begins.