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- ☐ **Change with effective date of**
- ☒ **New bulletin with effective date of October 1, 2005**
- ☐ **Reminder**
- ☐ **Replaces bulletin #**

**DIVISION/BULLETIN NO:** 15-05

**DATE:** September 23, 2005

**FROM:** Jim Peery

**TO:** All Domestic/Canadian Agents and Headquarters Contract Truckmen

**SUBJECT:** NEW HOURS-OF-SERVICE INFORMATION AND MATERIALS—  
EFFECTIVE OCTOBER 1, 2005

**PURPOSE/OBJECTIVE:**

Provide information and training materials for new hours-of-service rules.

**KEY POINTS:**

1. Revised hours-of-service rules for the use of sleeper berth.
2. Begin training NOW for the implementation of the NEW hours-of-service.
3. Use appropriate information and training material included in the bulletin.
4. Make sure all van operators and key agency personnel know that October 1, 2005, is the starting time for the new rules.
5. Check performance and continue to submit logs on a weekly basis to the Headquarters Safety Department.

**ACCOUNTABILITY:**

Van operators, operations staff, and appropriate agency/Headquarters team members.

**CONSEQUENCES FOR NON-COMPLIANCE:**

Safety infractions, fines, citations, and being placed out of service at a roadside inspection.

**ACTION REQUIRED:**

1. Knowledge of NEW hours-of-service rules.
2. Training of all van operators and appropriate agency personnel.

**CONTACT:** The Safety Regulations/Policy Auditors at the UniGroup Headquarters Safety Department (866/LOG-LINE).

**ATTACHED:** New Hours-of-Service Training Materials

# NEW HOURS-OF-SERVICE TRAINING MATERIALS

## THE REVISED HOURS-OF-SERVICE REGULATIONS EFFECTIVE OCTOBER 1, 2005

It is important NOW, preceding the compliance date of October 1, 2005, that UniGroup Headquarters and all agency personnel and van operators take time to learn the new hours-of-service regulations and make this transition as smooth as possible. Educational materials have been produced by the government through the Federal Motor Carrier Safety Association (FMCSA) Web site ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)). We must all work together to implement these new regulations for the continued improvement of motor carrier safety.

The FMCSA recently released revised driver hours-of-service rules to replace the current rules that will expire September 30, 2005. Two key elements of the current rules remain in tact:

1. Drivers will retain the 11 hours maximum driving time out of a 14-hour workday.
2. Drivers can “re-set” their driving clock after taking off a full 34 hours.

However, the FMCSA announced a key change for long-haul drivers by revising how sleeper-berth time is calculated. Under the new rules, team and solo drivers spending their 10 hours of off-duty time in the sleeper berth must log a minimum of an 8-hour period continuously in the sleeper berth. The second period may be spent either in the sleeper berth or logged as off-duty time or any combination of the two.

### LOCAL SHORT-HAUL PROVISION

The FMCSA also added another short-haul exemption that allows certain local drivers to extend their driving time by two hours two days a week as follows: Local drivers who are not required to have a Commercial Driver's License (CDL), operating within a 150 air-mile radius of their starting point, may drive after the 14<sup>th</sup> hour, but not after the 16<sup>th</sup> hour, two days per week. The 11-hour driving limit and weekly limits of either 60 hours in 7 days or 70 hours in 8 days still apply to these local drivers.

This local short-haul provision ONLY applies to van operators when they are working locally for their agency and report to and are released from work at ONE location. This provision should never appear on a van operator's daily log being submitted to the UniGroup Headquarters Safety Department. It would be reflected in the time records kept at the agency location where the van operator is working.

The new hours-of-service regulations only apply to property carriers and their van operators. Passenger carriers and their drivers will continue operating under the existing rules while fatigue issues specific to the passenger carrier industry are assessed.

In learning the new hours-of-service rules, it is suggested that you review the few real changes and follow as indicated below:

<b>HOURS-OF-SERVICE RULES</b>	
2003 Rule Property-Carrying CMV Drivers Compliance Through 09/30/05	2005 Property-Carrying CMV Drivers Compliance On & After 10/01/05
May drive a maximum of 11 hours after 10 consecutive hours off duty.	NO CHANGE
May not drive beyond the 14 <sup>th</sup> hour after coming on duty, following 10 consecutive hours off duty.	NO CHANGE
May not drive after 70 hours on duty in 8 consecutive days. <ul style="list-style-type: none"> <li>A driver may restart an 8 consecutive-day period after taking 34 or more consecutive hours off duty.</li> </ul>	NO CHANGE
Commercial Motor Vehicle (CMV) drivers using a sleeper berth must take 10 hours off duty, but may split sleeper berth time into 2 periods provided neither is less than 2 hours.	CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Simply stated, the new rule means:

- Drivers may drive up to 11 hours in the 14-hour on-duty window after they come on duty following 10 or more consecutive hours off duty.
- The 14-hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc.
- CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.
- The 8 consecutive hours in the sleeper berth and the additional two-hour period of either sleeper berth or off duty may be split by driving and/or “on-duty” not driving period as noted in the examples provided.
- When the additional 2-hour period is taken after the 8-hour sleeper berth period, the 2 hours must be counted toward the 14-hour rule calculation.

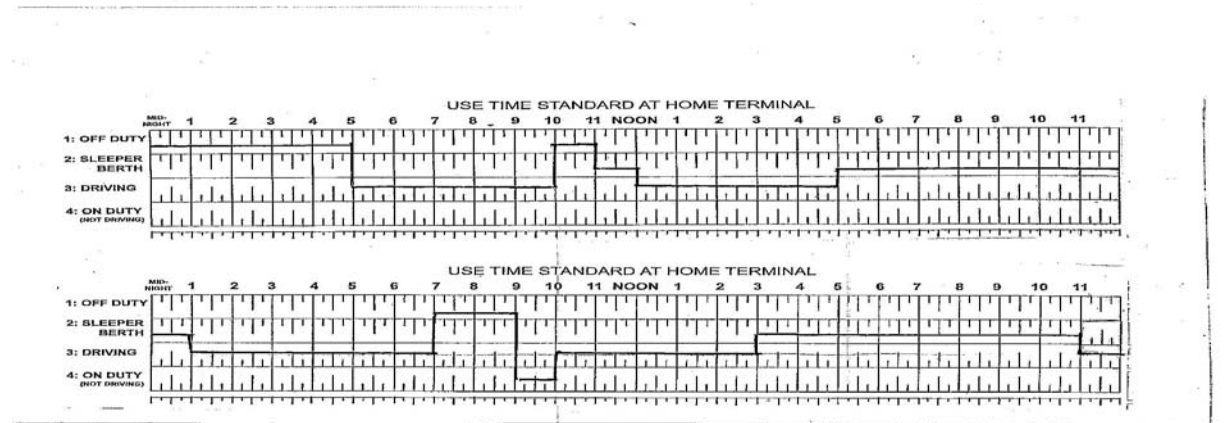
<b>LOCAL SHORT-HAUL PROVISION</b>
<p><b>Drivers of property-carrying CMVs which do not require a Commercial Driver’s License for operation and who operate within a 150 air-mile radius of their normal work reporting location:</b></p> <ul style="list-style-type: none"> <li>• May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty.</li> <li>• Are not required to keep records-of-duty status (RODS).</li> <li>• May not drive after the 14<sup>th</sup> hour after coming on duty 5 days a week or after the 16<sup>th</sup> hour after coming on duty 2 days a week.</li> </ul> <p><b>Employer must:</b> Maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of RODS.</p>

## EXAMPLE OF SLEEPER BERTH OPTION

Van operators using sleeper berth have an option to obtain the equivalent of 10 hours off duty by combining two separate periods of sleeper berth or off-duty time that total at least 10 hours. When calculating off-duty time for drivers using sleeper berths under this rule, only two separate periods may be used and both must add up to at least 10 hours. One period must be at least 8 consecutive hours of sleeper-berth time. The second period must be at least 2, but less than 10, consecutive hours of sleeper-berth time, off-duty time, or a combination of both.

For drivers using two separate periods of sleeper-berth and off-duty time, the calculation of the driver's 11-hour driver limit and 14-hour duty "window" will begin from the end of the first period used in the calculation.

For example, following 10 consecutive hours off duty, a driver begins driving at 5 a.m. At 10 a.m., the driver takes 2 consecutive hours off duty (1 hour of off-duty time followed by 1 hour of sleeper berth time). At noon, the driver drives for another 5 hours. At 5 p.m., the driver goes into the sleeper berth for 8 consecutive hours. At 1 a.m., the driver begins driving again. In this example, the calculation of the driver's on-duty and driving time begins at the end of the first off-duty/sleeper-berth period, or noon. Therefore, this driver has 6 hours of driving time available at 1 a.m.



In the example, the driver would have reached the 12<sup>th</sup> hour of his/her 14-hour duty "window" at 5 p.m. when he/she went into the sleeper berth for 8 consecutive hours. Because the driver has 10 hours of off-duty time (2-hour break, combined with 8 consecutive hours in the sleeper berth), the calculation of the 14-hour duty "window" begins at the end of the 2-hour break (noon). However, when the driver starts driving at 1 a.m., he/she would only be at the 5<sup>th</sup> hour of his/her 14-hour duty "window" because the 8 consecutive hours in the sleeper berth are excluded from the calculation.

In the example on the second day, the 2-hour off-duty period beginning at 7 a.m. would be counted toward the driver's 14-hour rule. This would make him/her eligible for a 1-hour on-duty period followed by a 5-hour driving period as indicated in the second graph. At 3 p.m., the driver must not continue driving or he/she would be in violation of both the 11 and 14 hours-of-service rules.