



Impact of New DOT Hours of Service on Transportation Industry

2015 Waste Management Symposium

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Panel Presentation

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Background

- Safety– Why we have regulations
 - Proximity to public
 - Essential to Nuclear Industry

- Applies to Commercial Motor Vehicles
 - GVW of 10,001 lbs or more
 - Transporting passengers
 - Transporting placarded quantities of Hazardous Materials

- 49 CFR Part 395- Hours of Service
 - Maximum driving time for day/week
 - Minimum rest requirements
 - Cumulative working hours (7 or 8 days)
 - Restart Provisions





Recent Changes in Regulations

- Initially same regulations in place for over 40 years
- Numerous recent changes in last 10 years:
 - 2004
 - 2005
 - July 1, 2013
 - December 16, 2014
 - Potentially more changes on the way





Previous Hours of Service Rules (2005-2013)

➤ Rules in effect until July 1, 2013

11-Hour Driving Limit

May drive a maximum of 11 hours after 10 consecutive hours off duty.

14-Hour Limit

May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.

60/70-Hour On-Duty Limit

May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.

Sleeper Berth Provision

Drivers using the [sleeper berth provision](#) must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.





Summary of HOS Changes— Effective July 1, 2013

PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE JULY 1, 2013
Limitations on minimum “34-hour restarts”	None.	(1) Must include two periods between 1 a.m. – 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions.	May drive only if 8 hours or less have passed since end of driver’s last off-duty period of at least 30 minutes. [HM 397.5 mandatory “in attendance” time may be included in break if no other duties performed]
PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE FEBRUARY 27, 2012
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a <u>parked</u> vehicle (also applies to passenger-carrying drivers). In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth.
Penalties	“Egregious” hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.



Summary of HOS Changes— Effective December 16, 2014

- Suspension of the (2) 34-Hour restart provisions
 - No longer require the 34-Hour restart to encompass two periods between 1 AM and 5 AM
 - No longer limited on the number of restarts that can be taken each week





Impact on Transportation Industry

- Delays in Loading/Unloading decrease allowable driving time for drivers
 - Daily Limit
 - Cumulative Limit
- Longer timeframe may be required for shipments
- Impact of drivers ability to 'benefit' from prolonged loading
 - When in excess of 34 hours
- Electronic Logs





Significant Impact on Nuclear Industry

- Heightened Security Environment
 - Security protocols
 - Inspections- Entry into licensed facilities
 - Paperwork and security seal verification
- Heightened Safety Environment
 - Surveys
 - Live loading activities
 - Safety Inspections
 - En-route Safety Inspections





Significant Impact on Nuclear Industry (cont.)

- Limited available driver base
 - Background checks
 - HM Endorsement
 - Driving records
- Driver Turnover
 - Average Age of Drivers
 - Frustration with industry
 - Pay
- Higher Costs to Carriers → Customers
 - Compensation for 'non-driving' time
 - Endorsements
 - Competitive Pay
 - Equipment

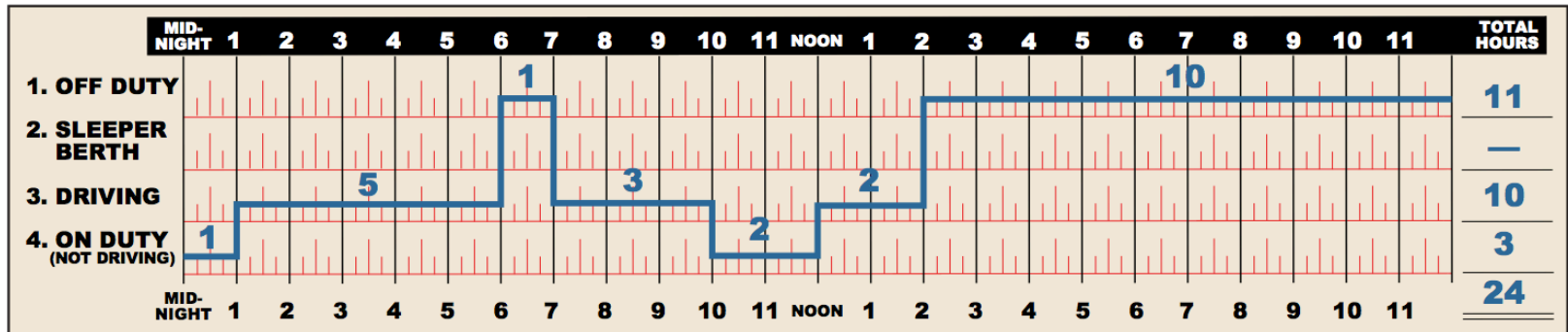




New HOS

EXAMPLE 1: 14-Hour Driving Window

Day 1



Violations: There are no violations in this example.

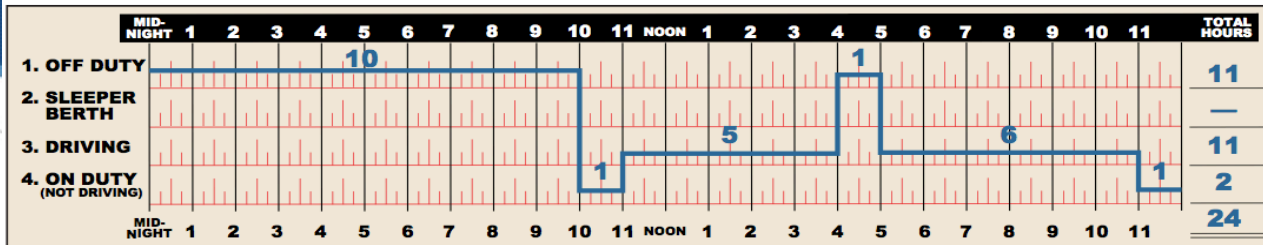
Explanation: This is an example of the 14 consecutive-hour “driving window.” After 10 consecutive hours off duty, the driver had 14 hours available and started his/her driving window at Midnight on Day 1. At 2:00 p.m., the driver had reached the end of the 14-hour window (10 hours driving; 3 hours on duty; 1 hour off duty). The driver may not drive a CMV once he or she has reached the end of the 14 consecutive-hour period (unless a 16-hour day is available [Section 395.1(o)]), and in this example the driver goes off duty for the required 10 consecutive hours starting at 2:00 p.m. on Day 1.



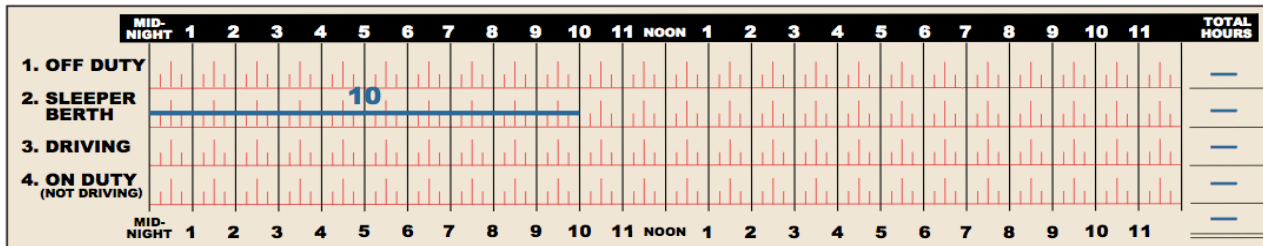
New HOS

EXAMPLE 2: Driving Limit*

Day 1



Day 2



Violations: There are no violations in this example.

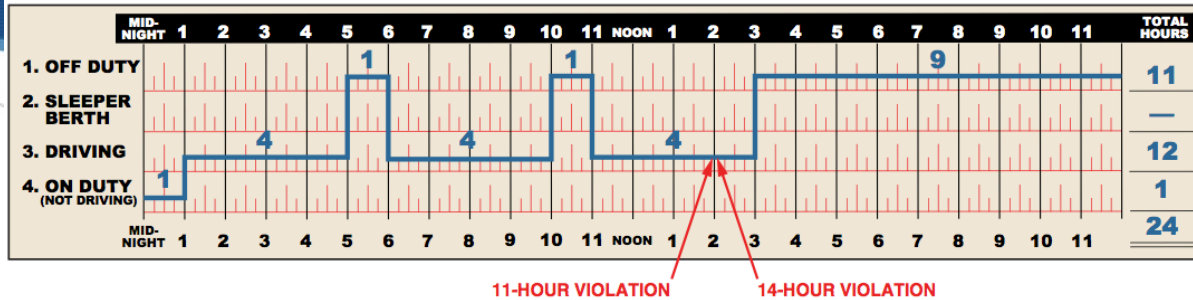
Explanation: This is an example of the maximum of 11 hours of driving within the “driving window.” After 10 consecutive hours off duty, the driver had 14 hours available (and 11 hours driving) starting at 10:00 a.m. on Day 1. The driver was on duty for 1 hour, drove for 5 hours, went off duty for 1 hour, drove for another 6 hours between 5:00 p.m. and 11:00 p.m., and was on duty for 1 hour. In this example, the driver drove the maximum 11-hour limit within the 14-hour “driving window” and is therefore in compliance with the rule. Starting at Midnight on Day 2, the driver may not drive a CMV until he/she goes off duty for a minimum of 10 consecutive hours, which is indicated on the log (10 sleeper-berth (S/B) hours). In addition, the 1 hour (1/2 hour minimum) off duty break between 4:00 p.m. and 5:00 p.m. on Day 1 was necessary as the driver may drive only if 8 hours or less have passed since the end of the driver’s last off duty period of at least 30 minutes.



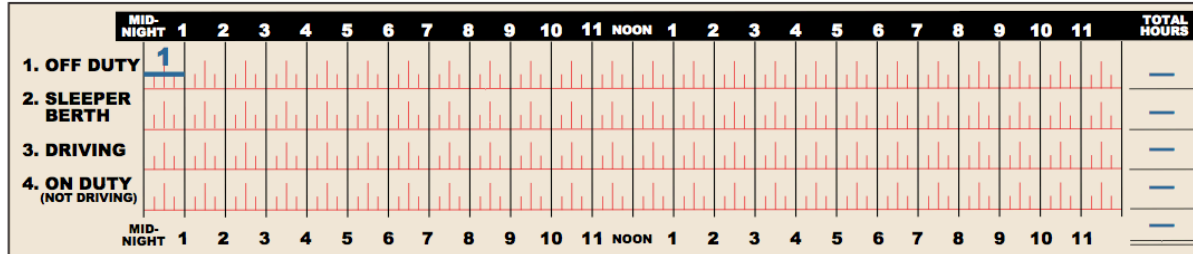
New HOS

EXAMPLE 3: Driving Limit

Day 1



Day 2



Violations: There is a violation of the 11 and 14-hour rules at 2:00 p.m. on Day 1.

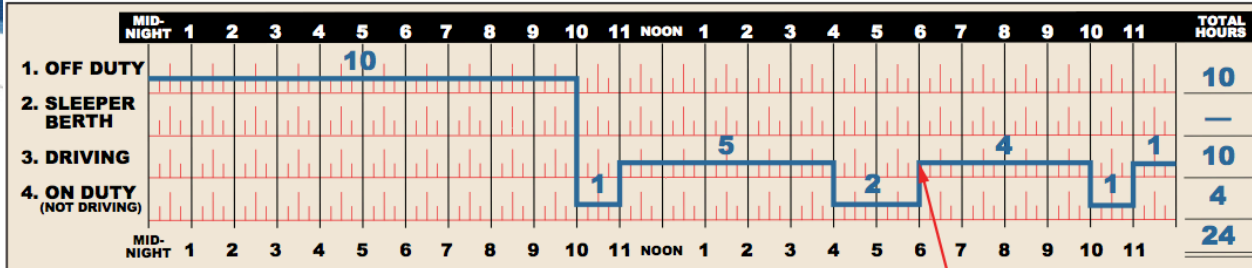
Explanation: This is an example of the maximum of 11 hours of driving within the “driving window.” After 10 consecutive hours off duty prior to the start of Day 1, the driver had 14 hours available (and 11 hours driving) starting at Midnight on Day 1. The driver was on duty for 1 hour, drove for 4 hours, went off duty for 1 hour, drove for another 4 hours, went off duty for 1 hour, and drove for another 4 hours between 11:00 a.m. and 3:00 p.m. In this example between 2:00 p.m. and 3:00 p.m. on Day 1, the driver drove for 1 hour over the maximum 11 hour limit, and also drove for 1 hour over the legal 14-hour “driving window” limit and is therefore in violation of these two rules. At 2:00 p.m. on Day 1, the driver must stop driving. He/she could remain on duty (not driving), and must go off duty for a minimum of 10 consecutive hours before driving again. In this example, the driver started this off-duty period at 3:00 p.m. and is therefore in violation.



New HOS

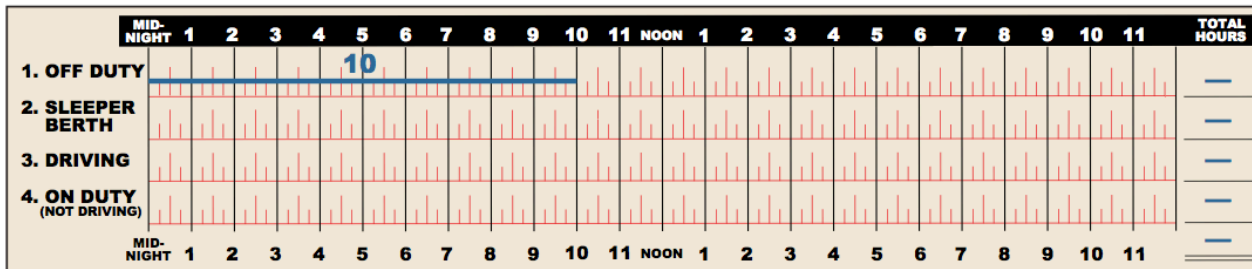
EXAMPLE 4: Rest Breaks*

Day 1



VIOLATION
30-minute break provision

Day 2



Violations: There is a violation in this example at 6:00 p.m. on Day 1.

Explanation: This is an example of the limit on consecutive hours of driving and necessary rest breaks. After 10 consecutive hours off duty, the driver had 14 hours available (and 11 hours driving) starting at 10:00 a.m. on Day 1. A driver may drive only if 8 hours or less have passed since the end of the driver's last off-duty period of at least 30 minutes. Therefore, in this example after 1 hour on duty, 5 hours of driving, and another 2 hours on duty, the driver must take his/her necessary 30-minute break at 6:00 p.m. As the driver drove the commercial motor vehicle (CMV) at this point he/she is in violation of the 30-minute break provision at 6:00 p.m. on Day 1. Starting at Midnight on Day 2, the driver must go off duty for a minimum of 10 consecutive hours before he/she may drive again, which is indicated on the log.



Discussion/ Example of Restart Provision

1/1 SAT	1/2 SUN	1/3 MON	1/4 TUE	1/5 WED	1/6 THU	1/7 FRI	1/8 SAT	1/9 SUN
48 hours consecutive off-duty.		From Monday (1/3) through Friday (1/7), driver accumulates a total of 60 hours (on-duty and driving) for that period.					Driver starts new 34-hour restart period beginning with Saturday (1/8).	

Violations: There are no violations in this example.

Explanation: This is an example of the new restart provision. After June 30, 2013, a driver may not take an off-duty period to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days until 168 or more consecutive hours have passed since the beginning of the last such off-duty period. In this example, the driver reaches his/her maximum 60 hours (on duty and driving) in 7 days on Friday (1/7) and therefore can begin a new 34-hour restart starting on Saturday (1/8). This is because the 168-hour period is counted from beginning of the last prior restart, which was on Saturday (1/1). The restart must include two periods between 1:00 a.m. and 5:00 a.m. as well.



Key is Industry Partnership

- Motor Carriers work in partnership with stakeholders to educate on regulations and regulatory environment
- Closely coordination between shippers and carriers to minimize loading/unloading and 'down' time
- Careful Trip Planning & Scheduling
- Equipment Maintenance
 - CSA Scores
- Carrier selection





Questions??

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