

December 14, 2014

BREAKING: HOURS-OF-SERVICE RESTART RELIEF PASSES – President’s signature needed for restart provisions to go into effect

On December 13, 2014, Congress passed the FY 2015 Omnibus Appropriations bill providing funding for the vast majority of the federal government, including the Department of Transportation, for the current fiscal year. The President is expected to sign the bill into law shortly, but it takes time for the clerk to enroll 1,700 pages of the bill before he can do so. Officially titled the Consolidated and Further Continuing Appropriations Act, 2015, the bill is over 1,700 pages long and, as you can imagine, has a host of detailed spending and policy-related provisions affecting many industries.

The most important trucking-related provision is language that provides relief from the two new restrictions of the hours of service restart rule. Specifically, the legislation suspends the requirement that all qualifying restarts contain two consecutive periods of time between 1am and 5am, and that it can only be used once every 168 hours (or seven days). In other words, the restart rule reverts back to the simple 34 hour restart in effect from 2003 to June 2013.

Make no mistake about how much effort and political capital went into getting these changes into the bill from Senator Collins and her staff. Without her championing this effort, we would not be realizing this relief.

Below are some frequently asked questions provided by the ATA to help their membership understand the impact of this action.

1. What does the Congressional language actually say, and what does it mean?

The legislation language is remarkably simple. It says:

“Section 133 temporarily suspends enforcement of the hours of service regulation related to the restart provisions that went into effect on July 1, 2013 and directs the Secretary to conduct a study of the operational, safety, health and fatigue aspects of the restart provisions in effect before and after July 1, 2013. The Inspector General is directed to review the study plan and report to the House and Senate Committees on Appropriations whether it meets the requirements under this provision.”

Essentially, this law eliminates, temporarily, the two new restrictions on the use of the 34-hour restart, namely the 1-5 am provision and the 168 hour rule. Drivers will be permitted to restart their weekly hours by taking at least 34 consecutive hours off-duty, regardless of whether or not it includes two periods of time between 1am and 5am. A driver can also utilize the restart more than one time per week if necessary.

2. When is the new, simple 34 hour restart effective?

The 34 hour restart rule will revert to its pre-July 1, 2013 version as soon as the President signs the bill into law. This is expected sometime before Tuesday. MMTA will let our members know once he has signed it.

3. How long will this change last?

Because the language resides in an annual spending bill, its terms expire at the end of FY2015, which is September 30, 2015. It's important to note that the legislation also directs the Department of Transportation to conduct a study comparing the effectiveness of the 34 hour restart rules in place before July 1, 2013 with those that took effect after. During 2015, ATA will continue to pursue strategies in an effort to keep the simple 34 hour restart rule in place for a longer period of time.

4. Does the legislation include any other changes to the hours of service rules?

No, all other hours of service rules, including the 30-minute rest break provision, remain unchanged and must be complied with.

5. If our trucks have ELDs, will we be able to use the simple 34 hour restart immediately?

Carriers are encouraged to work with their ELD suppliers to determine what software updates are necessary to comply with this legislatively directed rule change. A short transition period may be necessary, and members are encouraged to be patient as ELD suppliers will need some time to write and deploy the software updates.

6. Will enforcement officials know about this change?

Soon after the law is signed, we expect the Commercial Vehicle Safety Alliance and the Federal Motor Carrier Safety Administration to issue enforcement memos describing the changes and their impact to law enforcement personnel. The enforcement memos/guidance will be distributed by ATA to its members (and MMTA will send it to you) as they become available. Motor carriers may experience minor disruptions at roadside as law enforcement adapt to the changes. If a driver experiences a problem at roadside, you should contact head of the commercial vehicle safety program in that State's lead MCSAP agency.