

The HOURS (Honest Operators Undertake Road Safety) Act
Common-Sense Technical Adjustments to Provide
Safe and Effective Flexibility in Hours-of-Service Regulations

As the trucking industry has adjusted to the December 18, 2017 implementation date for Electronic Logging Devices (ELD) to record drivers' hours-of-service (HOS), concerns have been raised among various sectors of the industry regarding the need for additional flexibility in commercial motor vehicle drivers' HOS rules. Recognizing that some sectors of the trucking industry face distinctive HOS challenges, the HOURS Act provides targeted relief by adding needed flexibility to the commercial motor vehicle drivers' HOS requirements, as outlined below:

1) Transportation of Livestock and Other Agricultural Products:

The transportation of livestock presents several distinctive challenges and unique situations for commercial motor vehicle (CMV) drivers. Currently, drivers of livestock have a limited exception to HOS rules, but more flexibility is needed.

- ***Current Regulation:*** A CMV driver engaged in the transportation of livestock and other agricultural products is exempt from hours of service regulations if they operate within 150 air-mile radius of the source of the livestock or agricultural product during planting and harvesting periods that are defined by each state.
- ***Proposed Change:*** The HOURS Act would revise the regulations to allow drivers engaged in the transportation of livestock or agricultural product to be exempt from hours of service regulations while operating within 150 air-miles of the source, regardless of the State designated planting and harvesting season.
- ***Justification for Change:*** Each State designates its own planting and harvesting period, and while some states consider planting and harvest season year-round, other states recognize only certain periods of the year. The result of the current regulations is a patchwork of laws for when a driver can and cannot utilize the exemption, which does not reflect real-world transportation needs.

2) Short-Haul Operations:

CMV drivers transporting property, and who start and end their work day at the same location, are typically considered short-haul drivers because they are not traveling large distances. These drivers are exempt from having an Electronic Logging Device (ELD). However, current regulations have established two sets of rules for short-haul operations, based on whether the CMV driver holds a CDL or not.

- ***Current Regulation:*** CDL Drivers are exempt from using an ELD if they operate within 100 air-miles of their work reporting location and complete their work day within 12 hours. Non-CDL drivers are exempt from using an ELD if they operate within 150 air-miles of their work reporting location and complete their work day within 14 hours.
- ***Proposed Change:*** The HOURS Act would provide one set of HOS rules for short-haul operations, wherein a CDL driver would be exempt from the ELD requirements if they operate within 150 air-miles of their work reporting location and complete their work day within 14 hours.
- ***Justification for Change:*** Creating the same rules for all short-haul drivers will provide one uniform set of operating rules which will be easily adhered to and enforced.

3) HOS Supporting Documents:

HOS supporting documents have been historically used to verify the accuracy of a driver's log book. Since December 18, 2017, ELDs have been required in place of hand-written log books. However, many supporting document requirements remain in place, creating a redundant paperwork burden for drivers.

- ***Current Regulation:*** Carriers must maintain up to 8 supporting documents for a driver's 24-hour on-duty period.
- ***Proposed Change:*** The HOURS Act would reduce the current supporting documents requirement to only supporting documents to verify the start and end time of a driver's daily on-duty period.

- *Justification for Change:* ELDs automatically track location and time data based on engine and GPS data. Supporting documents to verify accuracy are redundant and unnecessary.

4) Split Sleeper Berth Flexibility:

CMV drivers must take 10 hours off-duty to reset their on-duty and driving times. Drivers who operate a CMV equipped with a sleeper berth are able to split their time in the sleeper berth into two separate periods in order to get the equivalent of at least 10 consecutive hours off.

- *Current Regulation:* Current regulation allows a driver to take at least 8 hours off in the sleeper berth, and a separate period of at least 2 hours off-duty in order to obtain 10 total hours off duty. The FMCSA is currently working on a pilot program to study the effects of allowing more flexibility with the split sleeper berth provision.
- *Proposed Change:* In an effort to expedite FMCSA's review of split sleeper berth flexibility and a possible rulemaking, the HOURS Act allows FMCSA to forgo an advanced notice of proposed rulemaking (ANPRM) in the rulemaking process, specifically with respect to split sleeper berth flexibility.
- *Justification for Change:* This will allow FMCSA to move forward more expeditiously with split sleeper berth flexibility, which will allow drivers to better adjust their operating schedules to account for congestion and other unforeseen delays in travel.

For more information regarding the HOURS Act, or should you wish to cosponsor the legislation, please contact Ashley Shelton (a.shelton@mail.house.gov) with Congressman Rick Crawford.