

## TRANSPORTATION ALERT

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### DOT Aims to Revise Truckers' Hours-of-Service Regulations

By [Nick Adair](#), Attorney

The U.S. Department of Transportation (DOT) recently released a statement hinting at possible future changes to the current regulations governing commercial truck drivers' rest breaks and hours-of-service regulations. The goal is to give truckers more flexibility in their operating schedules.

DOT's Federal Motor Carrier Safety Administration (FMCSA) plans to soon publish an advanced notice of proposed rulemaking in the Federal Register seeking the public's input on whether the agency should tweak its hours-of-service regulations in response to pleas from lawmakers and the trucking industry for less rigid requirements. The public comment period will be open for 30 days. The FMCSA is specifically interested in hearing from the public on whether drivers would still obtain adequate rest breaks if they were given more flexibility on when they were permitted to take them.

Generally speaking, the current FMCSA hours-of-service requirements limit commercial truck drivers to 11 hours of driving time within a 14-hour window after they come on duty. Commercial drivers are only permitted to come on duty if they have taken 10 consecutive hours of off-duty rest time immediately before. Drivers who utilize sleeper berths in their trucks are allowed to combine two hours of off-duty time with eight consecutive hours spent in a sleeper berth in order to meet the aforementioned 10-hour off-duty requirement.

The FMCSA stated that it is looking to revise four specific areas of the hours-of-service regulations:

1. FMCSA is considering expanding the exemption granted to short-haul truck drivers regarding the electronic logging of their "records of duty status" (RODS). The current regulations permit these short haul drivers to go up to twelve hours without logging hours in their RODS. The considered change would bump the twelve hours without logging to fourteen hours in order to be consistent with the rules for long-haul truck drivers.
2. FMCSA is considering extending the current fourteen-hour on duty limitation up to sixteen hours for when a driver encounters adverse driving conditions such as snow, sleet or fog.
3. FMCSA is considering a revision to the current mandatory thirty-minute break rule for truck drivers who have spent eight hours continuously driving. This consideration is in response to a petition from the Owner-Operator Independent Drivers Association, which asserted this rule sometimes forces a driver to stop driving, even when they do not feel tired.
4. FMCSA is considering reinstating the option for splitting up the required ten-hour off-duty rest break for drivers operating trucks equipped with a sleeper-berth compartment.

If you have any questions about how these considered changes could affect you or your business, please contact any of the listed Roetzel attorneys.

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