

Transportation Safety

Training ADVISOR

July 2023

HOS limits and ELDs

Mind your minutes!

Lack of oversight and driver fatigue
at issue in fatal crash

NEW! Saliva-based testing

When to use the 16-hour exemption

Information and resources to help your drivers operate safely



J. J. Keller
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In This Issue

Training Blueprint3

Find out what you need to know about daily and weekly limits to stay in compliance.

Training Handout4

Handy reminder on HOS limits and ELD knowledge.

Test Your Knowledge5

How many of these HOS questions can you answer correctly?

Lack of oversight and driver fatigue at issue in crash6

Increased fatigue management and policy enforcement could have made all the difference.

DOT approves saliva-based drug testing7

A new, easy option for drug testing is coming your way!

Expert Help7

Are drivers allowed to use the 16-hour exemption if they are running late or held up while completing a job?



MESSAGE FROM THE EDITOR

Mind your minutes!

Remember our parents, guardians, or teachers telling us to mind our manners as kids? Minding our manners helped us communicate effectively and avoid punishment. Now, when it comes to operating a commercial vehicle as an adult, it's time to mind our minutes!

Drivers who mind their minutes stay alert and attentive while avoiding preventable fines and penalties. Thanks to electronic logging devices (ELDs), drivers can record driving times more easily and with more accuracy. Just a few minutes can make the difference between compliant and noncompliant records.

Here's what the ELD takes care of automatically:

- Date and time,
- Geographic location of the vehicle,
- Engine hours and vehicle miles and,
- Driver or authenticated user identification data/vehicle identification data.

With all that taken care of, drivers still need to know and understand how to:

- Log in;
- Assign unassigned driving hours and record duty status changes;
- Edit, annotate, and certify records;
- Access record of duty status data;
- Provide ELD display printouts (if available);
- Identify and fix data diagnostics; and
- Report ELD malfunctions.

It is true that not all drivers need to use an ELD to mind their minutes — there are exceptions, like for drivers who always use the 150-air-mile radius exemption. Additionally, unless specifically required, the following drivers are also exempt from using ELDs:

- Drivers of vehicles manufactured before 2000,
- Drivers who prepare records of duty status on no more than 8 days within a 30-day period, and/or
- Drivers who conduct driveaway-towaway operations where the driven vehicle is a deliverable commodity or the transported vehicle is a motor home/recreation vehicle.

Thanks to ELDs, minding your minutes is easy, simple, and best of all, accurate! ♦



Lucero Truskowski

Lucero Truskowski joined J. J. Keller & Associates, Inc. as an Associate Editor in 2022. Lucero edits, writes, and researches content on a variety of topics, including transportation, human resources, and driver training. She is currently earning a Master of Science (MS) in Professional Writing from New York University.



TRAINING BLUEPRINT — HOS LIMITS/ELDS

Hours of service: Limits and compliance

The hours-of-service (HOS) regulations, located in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs), limit the number of hours an individual operating a commercial motor vehicle (CMV) can drive, as well as the number of allowable on-duty hours.

The main goal of the HOS regulations is to keep fatigued drivers off the road.

Compliance with HOS regulations includes:

- A robust understanding of driving limits, and
- Accurate and complete records of duty status (using an electronic logging device [ELD] or log book).

This “Training Blueprint” addresses the requirements for interstate drivers operating property-carrying CMVs. Specifically, a vehicle or combination of vehicles that weighs or is rated at 10,001 pounds or more, or a vehicle of any size that transports placardable hazardous material

TIP: Try using a video to introduce this topic. When selecting a video, consider your drivers' experience as well as the hours-of-service situations they deal with on a regular basis.

Daily limits

11-hour driving rule

- All time spent behind the wheel of a CMV is considered driving time.
- After 11 hours of driving time, a driver must have at least 10 consecutive hours off duty before driving again.
- Driving beyond the limit can result in fines and penalties for both the driver and the motor carrier.



14-hour duty limit

- A driver's 11 hours of driving time must fall within a period of 14 consecutive hours of duty time.
- A driver cannot drive beyond the 14th consecutive hour after coming on duty until the driver has at least 10 consecutive hours off duty. The driver may work, but no more driving is allowed.
- The 14 hours are consecutive from the time the driver starts the tour of duty. Lunch breaks and other off-duty time do not extend the 14-hour period.

Mandatory break

- One 30-minute break is required after 8 hours of driving time.
- Any of the following may count as a break:
 - Off-duty time,
 - On-duty non-driving time, and
 - Sleeper berth time.

TIP: Make sure that your drivers understand that the 14 duty hours are continuous, and short periods of time off duty will not extend the 14-hour “window.”

Weekly limits

These rules are based on the amount of on-duty time a driver has in a 7- or 8-day period. The driver may continue to perform non-driving duties after these limits without being in violation.



60-hour/7-day limit

- If the driver's company **does not** operate CMVs every day of the week, the driver must not drive after accumulating 60 hours on duty during 7 consecutive days.

70-hour/8-day limit

- If the driver's company **does** operate CMVs every day of the week, the driver must not drive after accumulating 70 hours on duty in 8 consecutive days.

34-hour restart

- You have the option to “restart” your calculation of the 60-hour/7-day limit or 70-hour/8-day limit by taking at least 34 consecutive hours off.
- The time may be spent off duty, in a sleeper berth, or using any combination of the two.
- Once at least 34 hours of rest have been taken, a new 7- or 8-day period begins and the hours worked before the rest break began are no longer taken into consideration. ♦

TIP: Conclude your training with a question-and-answer session.



TRAINING HANDOUT — HOS LIMITS/ELDS

What you need to know about HOS limits

You may not drive a CMV:

- More than 11 hours following 10 consecutive hours off duty
- Beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty
- If more than 8 hours have passed since the end of your last break in driving time of at least 30 consecutive minutes
- If all driving and on-duty time combined is more than:
 - 60 hours in any 7 consecutive days
 - 70 hours in any 8 consecutive days



What about ELDs?

When it comes to using an ELD, you need to know and understand how to:

- Log in
- Assign unassigned driving hours
- Record duty status changes
- Edit records
- Annotate records
- Certify records
- Access record of duty status data
- Provide ELD display printout (if available) and send a copy of the printout via email or fax to inspectors
- Identify and fix data diagnostics
- Report ELD malfunctions ♦





TEST YOUR KNOWLEDGE — HOS LIMITS/ELDS

1. After eight hours behind the wheel without a break in driving, it's mandatory to take a _____
 - A. 30-minute break
 - B. 20-minute break
 - C. 15-minute break
 - D. 45-minute break
2. You must know how to edit records on your ELD.
 - A. True
 - B. False
3. How many hours are you allowed to drive within 7 consecutive days?
 - A. 100
 - B. 65
 - C. 60
 - D. 70
4. You must know how to repair your ELD if it malfunctions.
 - A. True
 - B. False
5. You may not drive a CMV for more than _____ hours following 10 consecutive hours off duty?
 - A. 12
 - B. 11
 - C. 10
 - D. 9

NAME: _____ DATE: _____



Lack of oversight and driver fatigue at issue in fatal crash

A federal crash investigation in Arizona found that a motor carrier's failure to enforce its own safety policies likely contributed to the fatal incident.

The crash occurred on June 9, 2021, when a milk hauler drove his tractor-trailer into a line of stopped traffic in Phoenix at 62 miles per hour, without braking. There were 8 vehicles involved in the crash where 4 persons were killed and 11 were injured.

In a meeting held March 28, 2023, the National Transportation Safety Board (NTSB) concluded that the probable cause of the crash, ultimately, was the truck driver's fatigue. He generally worked 13-14 hours per day, didn't arrive home until early morning on a shifting schedule, and had fewer than 6 hours of sleep on the day of the crash.

Blame was also laid at his employer's feet. The NTSB concluded the motor carrier had poor oversight of its drivers, lacked a fatigue management program, and failed to enforce its own policies. In addition, the company had driver- and road-facing dashcams but failed to use the data to improve safety and ignored many of the recorded events.

The company had a policy stating that drivers were limited to 60 on-duty hours in 7 days and that drivers would be audited at the end of every pay period. Investigator found that several drivers for the company worked well beyond 60 hours each week without repercussion.

Another target was the federal hours-of-service exemption for agriculture, for which milk haulers are eligible. The Board recommends that the Federal Motor Carrier Safety Administration require motor carriers using the exemption to implement a fatigue management program, although the agency's authority to do so remains unclear. ♦



DOT approves saliva-based drug testing

Employers who are subject to U.S. Department of Transportation (DOT) drug testing rules will soon have the option of sending covered employees for an oral-fluid drug test.

New regulations go into effect June 1, 2023, to harmonize the DOT's Part 40 drug testing procedures with saliva testing guidelines established by the U.S. Department of Health and Human Services (HHS). Saliva testing was also added to rules from the Federal Motor Carrier Safety Administration (FMCSA) and other DOT agencies that require drug testing.

Despite the effective date, steps remain that prevent DOT-regulated employers from moving forward with oral-fluid drug testing. HHS needs to certify at least two laboratories for oral fluid testing, which has not yet been done.

Note that urine testing will remain an option for employers who do not wish to use oral-fluid testing.

Oral-fluid sample procedures

Unlike saliva testing used for DOT alcohol tests, the results of an oral-fluid drug test are not immediate.

Instead, a split sample of saliva is collected and sent to an HHS-certified lab for processing. A medical review officer (MRO) reviews the lab results and communicates the official result to the employer.

Advantages of oral specimens

DOT noted several advantages of using an oral-fluid specimen over a urine sample, including:

- Potentially less expensive;
- Detects more recent use, making it more advantageous for post-accident and reasonable suspicion tests;
- Fewer opportunities to tamper with specimens; and
- Less intrusive. ♦



Next Month's Topic: School Bus Safety

All states have laws in place to protect children as they board and exit school buses. Though specifics vary from state to state, there are standard rules that apply everywhere. ♦



Expert Help: Question of the Month

Question: Are drivers allowed to use the 16-hour exemption if they are running late or held up while completing a job?

Answer: Yes. The 16-hour exception in 49 CFR 395.1(o) can be used whenever the driver is eligible, though normally only once per week. A driver who normally uses the 150-air-mile exception, however, cannot use both exceptions on the same day, because the 150-air-mile exception requires drivers to be off duty within 14 hours whereas the 16-hour exception allows work (and driving) to continue after the 14th hour. Therefore, on any day when a driver chooses to use the 16-hour exception:

- A standard grid log is required,
- The driver must retain "supporting documents" as described in 395.11, and
- The driver must comply with the 30-minute "break from driving" rule in 395.3 (which should be no problem for a short-haul driver).

Note that 150-air-mile drivers that do not require a CDL are eligible for two 16-hour days per week and are NOT also eligible to use the 16-hour exception in 49 CFR 395.1(o) (three 16-hour days per week).

For reference: The 16-hour exception allows eligible drivers to extend the 14-hour period by up to two hours once per week. A driver may drive a CMV after the 14th hour after coming on duty, but not after the 16th hour, if the driver meets certain specific conditions.

Note that the above information is based on FEDERAL rules governing interstate commerce. If the company operates strictly within one state, in intrastate commerce, then the state's rules apply and they may be different. ♦



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