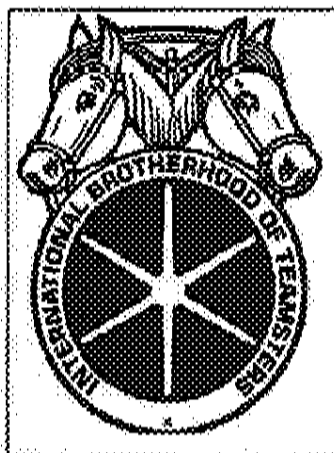


MEMORANDUM

TO: All U.S. Local Unions, Trade Divisions, and Conferences

FROM: LaMont Byrd, Director *LB*
Safety and Health Department

DATE: January 26, 2012

RE: Revised Hours of Service Final Rule

Please be advised that the Federal Motor Carrier Safety Administration (FMCSA) released a revised Hours of Service Final Rule that will go into effect on February 27th, 2012. Provided below is a brief summary of the new regulatory requirements and the dates in which drivers and motor carriers must comply with the certain provisions of the revised rule. Note that the compliance date for certain provisions of the rule is provided. In addition, a fact sheet accompanies this memorandum, to provide you with additional information.

The new rule contains the following revisions:

34-Hour Restart Provision

Effective July 1st, 2013, the revised 34-hour restart provision will limit the use of restart to once every 7 days (168 hours) and requires that each 34-hour rest period include two off-duty periods between 1 AM and 5 AM.

Mandatory Break Rest Break Provision

Effective July 1, 2013, the new rule will prohibit drivers from operating a commercial motor vehicle if more than 8 hours have passed since the driver's last off-duty period of at least 30 minutes. Essentially this means that drivers are required to take a break of at least 30-minutes within the first 8 hours of having reported for duty. If the driver does not take as described above, he/she will not be permitted to drive a commercial motor vehicle until such break is taken.

On-Duty Time

The new rule establishes a revision to the definition of On-Duty Time. According to the new definition, "On-Duty Time" WILL NOT include time:

- Spent resting in or on a parked vehicle
- Time spent resting in a sleeper berth, or
- Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth.

Hopefully this information is helpful to you. If you have any questions, please contact the Safety and Health Department at (202) 624-6960.



TEAMSTERS Safety & Health FACTS

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Hours of Service Regulations

On December 27th, 2011 the Federal Motor Carrier Safety Administration announced a final rule to change the hours of service regulations. The final rule will affect drivers who operate property-carrying commercial motor vehicles that weigh 10,001 pounds, or more, and are involved in interstate commerce.

Passenger-carrying drivers will be affected by the changes to the on-duty definition, which allows time spent resting in a parked commercial motor vehicle to be considered off duty, and the penalties provision, which categorizes as "egregious" any violation of the driving-time limit by 3 or more hours (thus invoking maximum penalties).

The changes are summarized below.

PROVISION	CURRENT RULE	FINAL RULE – COMPLIANCE DATE JULY 1, 2013
Driving Time	11 Hours of Driving, following 10 consecutive off duty	No change
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> CMV. 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. Also applies to passenger-carrying drivers.
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.
Oilfield exemption	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."

34-Hour Restart

- The rule limits the use of the "34-hour restart" to once a week (168 hours)
- The restart must include 2 night periods between 1 and 5 AM.

§395.3 (c)(1) and (c)(2) Through June 30th, 2013 a period of 7 or 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. After June 30th, 2013 any period of 7 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours that includes two periods from 1 a.m. to 5 a.m.

§395.3 (d) After June 30th, 2013, a driver may not take an off-duty period of 34 hours to restart the calculations 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.

Rest Breaks

- If a driver has been on duty for more than 8 consecutive hours since a period of off duty then he/she is required to take a 30 minute break before resuming driving duties.

§395.3(a)(3)(i) A driver may drive a total of 11 hours during the 14-hour period. (ii) After June 30th, 2013 driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

On-duty Time

395.2 (4)(i)(ii)(iii) On-duty time shall include all time in or on a CMV, other than:

- Time spent resting in or on a parked vehicle,
- Time spent resting in a sleeper berth; or
- Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth.

Effective Date:

February 27th, 2012

Compliance Date:

For 34-hour restart and rest breaks: July 1st, 2013

For on-duty time, penalties, and Oilfield Exemption: February 27th, 2012

For more information or if you have any questions regarding this material please call the IBT Safety and Health Department at (202) 624-6960. Additional education and training materials are currently available on the FMCSA web site (www.fmcsa.dot.gov).