

# Transportation Safety Answer Manual



  
**J. J. Keller**  
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# TRANSPORTATION SAFETY ANSWER MANUAL

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# TRANSPORTATION SAFETY ANSWER MANUAL

## Introduction

The number of regulations motor carriers and their employees must follow can be mind-boggling. Compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) alone ranges from employee drug and alcohol testing to cargo securement.

The Transportation Safety Answer Manual is designed to help you answer your regulatory and safety questions. Its easy-to-read, understandable format covers over 160 critical transportation safety topics and subtopics including hours of service, electronic logging devices (ELDs), Compliance, Safety, Accountability (CSA), driver qualification, vehicle inspection and maintenance, transporting hazardous materials, accidents, personal protective equipment (PPE), and whistleblower protection.

This manual addresses the areas critical to the motor carrier industry that are regulated by the Federal Motor Carrier Safety Administration (FMCSA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and Occupational Safety and Health Administration (OSHA), and is designed with both the beginner and seasoned professional in mind.

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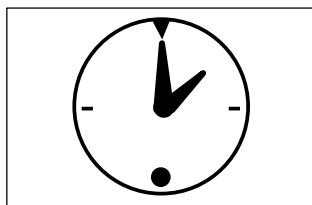
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## HOURS OF SERVICE

### 14-Consecutive Hour On-Duty Rule

#### Name

Maximum driving time for property-carrying vehicles.

#### Regulatory Citation

49 CFR 395.3(a)

#### Overview

The driver of a property-carrying vehicle may not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty.

**Rest Break** — 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.

Thirty minutes or more of attendance time may be used to meet the rest break requirement for operators who are required to be in attendance on a commercial motor vehicle containing Division 1.1, 1.2, or 1.3 explosives. This rest break (for operators required to be in attendance) must be recorded as on-duty time on the record of duty status with remarks or notes indicating the specific on-duty periods used to meet the break requirement.

**Note:** Lunch breaks or other off-duty time do not extend the 14 hour on-duty period. The 14 hours are consecutive from the time the driver starts the tour of duty.

#### Exceptions

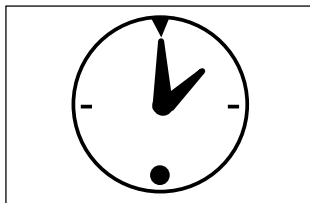
**Driver in Alaska** — The driver of a property-carrying vehicle in Alaska may not drive after being on duty for 20 hours or more following 10 consecutive hours off duty.

**Hi-Rail Vehicle** — For the driver of a hi-rail vehicle, the 14-hour duty limit does not include time in transportation to or from a duty assignment if the time in transportation:

- Does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and
- Is fully and accurately accounted for in records to be maintained by the motor carrier (these records must be made available upon request to the Federal Motor Carrier Safety Administration or Federal Railroad Administration).

**Local Christmas Deliveries** — The on-duty rule does not apply to a driver of a vehicle engaged solely in making local deliveries from retail stores and/or retail catalog businesses to the ultimate consumer when he/she is driving within the 100 air-mile radius of

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## HOURS OF SERVICE

### 14-Consecutive Hour On-Duty Rule

his/her work-reporting location during the period from December 10 through 25 each year.

**Motion Picture Production Site** — A driver of a commercial motor vehicle transporting property or passengers to or from a theatrical or television motion picture production site may not drive after having been on duty 15 hours following 8 consecutive hours off duty when driving within a 100 air-mile radius of his/her normal work reporting location.

If the driver operates beyond a 100 air-mile radius of his/her normal work reporting location he/she is subject to the 14-consecutive hour on-duty rule.

**Oilfield Operations** — Waiting time at a natural gas or oil well site is not included in the calculation of the 14-hour duty period for specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells.

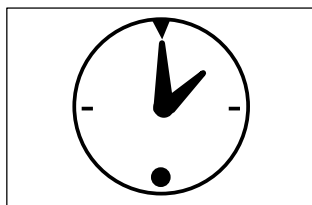
**Property-Carrying Driver (16-hour exception)** — The driver of a property-carrying vehicle is allowed to accumulate 11 hours of driving time within 16 consecutive hours on duty once in a 7 day period provided the driver:

- Returns to his/her normal work reporting location on that day, and is released from the work reporting location for the previous 5 on-duty days;
- Is released from duty within 16 hours of coming on duty (no additional on-duty time after 16 hours) following 10 consecutive hours off duty; and
- Only uses this exception once every 7 consecutive days (unless the driver has complied with the 34-hour voluntary restart provision).

**Short Haul Exception (Non-CDL)** — The driver of a property-carrying vehicle may accumulate 11 hours of driving time within 16 consecutive hours on duty twice in a 7 day period if the driver:

- Is not required to hold a commercial driver's license (CDL);
- Works within a 150 air-mile radius of his/her normal work reporting location; and

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## HOURS OF SERVICE

### 14-Consecutive Hour On-Duty Rule

- Returns to his/her normal work reporting location at the end of each duty tour.

Under this provision, a driver who meets the criteria listed above is not required to keep a logbook. The motor carrier must maintain and retain accurate time records showing when the driver's duty period began and ended each day and the total number of hours on duty each day.

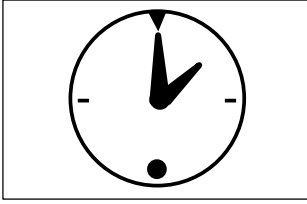
Also, the mandatory rest break requirement does not apply to a driver who qualifies for the short-haul exception (non-CDL).

**Note:** A driver who uses this exception is not eligible to use the 100 air-mile radius exception, sleeper-berth exception, or the property-carrying driver (16-hour exception).

#### Related Regulations

49 CFR 395.1 — Scope of the rules in this part.

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## HOURS OF SERVICE

### 34-Hour Restart

**Name**

Maximum driving time for property-carrying vehicles.

**Regulatory Citation**

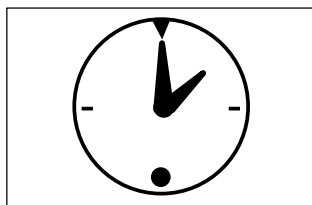
49 CFR 395.3(c) and (d)

**Overview**

A driver may restart a period of 7 or 8 consecutive days under the 60-hour/7-day limit or 70-hour/8-day limit by going off duty for a period of 34 or more consecutive hours.

The off-duty period must include two periods from 1 a.m. to 5 a.m., and the 34-hour restart may not be used by a driver until 168 or more hours have passed since the beginning of his/her last 34 hour restart. If a driver takes more than one off-duty period of 34 or more consecutive hours within a period of 168 consecutive hours, he/she must indicate in the remarks section of the record of duty status which off-duty period is being used as the restart. ***Editor's Note:*** December 16, 2014, Congressional legislation was passed and signed into law that prohibits enforcement of these two provisions.

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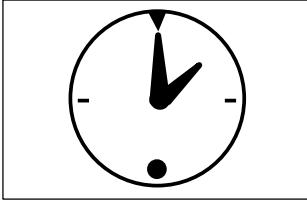


## HOURS OF SERVICE 60-Hour/7-Day Limit

<b>Name</b>	Maximum driving time for property-carrying vehicles.
<b>Regulatory Citation</b>	49 CFR 395.3(b)(1)
<b>Overview</b>	<p>A driver cannot drive after having been on duty for 60 hours in any 7 consecutive days. A driver can do non-driving work after reaching the limit and not be in violation, but those hours must be added to the total.</p> <p>A company that does not operate commercial motor vehicles (CMVs) every day of the week must use the 60-hour/7-day schedule. A company that operates vehicles every day of the week may use the 60-hour/7-day schedule, or assign some or all of its drivers to a 70-hour/8-day schedule.</p> <p>The 7 consecutive days does not mean a week (Sunday through Saturday); it means any 7-consecutive-day period. A driver doesn't really "start over" when counting total hours. The oldest day's hours drop out of consideration as each new day's hours are added.</p>
<b>Exceptions</b>	<p><b>34-Hour Restart</b> — The driver of a property-carrying commercial motor vehicle may restart this period of 7 consecutive days by going off duty for a period of 34 or more consecutive hours.</p> <p>The off-duty period must include two periods from 1 a.m. to 5 a.m., and this restart may not be used by a driver until 168 or more hours have passed since the beginning of his/her last 34-hour restart. <b>Editor's Note:</b> December 16, 2014, Congressional legislation was passed and signed into law that prohibits enforcement of these two provisions.</p> <p><b>Construction Materials and Equipment</b> — The driver of a CMV (who is used primarily in the transportation of construction materials and equipment) may restart his/her 7- or 8-day clock after an off-duty period of at least 24 consecutive hours. The transportation of construction materials and equipment is defined as the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles by a driver, to or from an active construction site within a 75 air-mile radius of the normal work reporting location of the driver. This exemption does not apply to drivers transporting placardable amounts of hazardous materials.</p>



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## HOURS OF SERVICE

### 60-Hour/7-Day Limit

#### Related Regulations

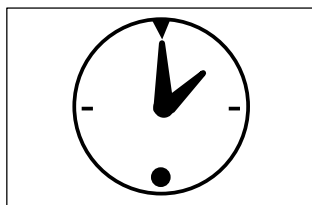
**Driver-Salesperson** — The 60-hour/7-day limit does not apply to a driver-salesperson whose total driving time does not exceed 40 hours in any period of 7 consecutive days.

**Driver in Alaska** — A driver who is operating a CMV in Alaska may not drive after being on duty 70 hours in any period of 7 consecutive days, if the motor carrier does not operate every day of the week.

**Ground Water Well Drilling Operations** — When the driver of a commercial motor vehicle (who is used primarily in the transportation and operations of a ground water well drilling rig) is off duty for at least 24 consecutive hours, the period of 7 or 8 days ends at the beginning of the off-duty time. The clock restarts when the driver goes on duty again.

49 CFR 395.1 — Scope of the rules in this part.

# TRANSPORTATION SAFETY ANSWER MANUAL



## HOURS OF SERVICE 70-Hour/8-Day Limit

### Name

Maximum driving time for property-carrying vehicles.

### Regulatory Citation

49 CFR 395.3(b)(2)

### Overview

A driver cannot drive after having been on-duty for 70 hours in any 8 consecutive days. A driver can do non-driving work after reaching the limit and not be in violation, but those hours must be added to the total.

A company that operates commercial motor vehicles (CMVs) every day of the week may assign some or all of its drivers to the 70-hour/8-day schedule. The 70-hour/8-day rule is a permissive provision in that a motor carrier with vehicles operating every day of the week may use either the 70-hour/8-day limit or the 60-hour/7-day limit.

The 8 consecutive days does not mean a “work week;” it means any 8-consecutive-day period. A driver doesn’t really “start over” counting total hours. The oldest day’s hours drop out of consideration as each new day’s hours are added.

### Exceptions

**34-Hour Restart** — The driver of a property-carrying commercial motor vehicle may restart this period of 8 consecutive days by going off duty for a period of 34 or more consecutive hours.

The off-duty period must include two periods from 1 a.m. to 5 a.m., and this restart may not be used by a driver until 168 or more hours have passed since the beginning of his/her last 34-hour restart. **Editor’s Note:** December 16, 2014, Congressional legislation was passed and signed into law that prohibits enforcement of these two provisions.

**Construction Materials and Equipment** — The driver of a CMV (who is used primarily in the transportation of construction materials and equipment) may restart his/her 7- or 8-day clock after an off-duty period of at least 24 consecutive hours. The transportation of construction materials and equipment is defined as the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles by a driver, to or from an active construction site within a 75 air-mile radius of the normal work reporting location of the driver. This exemption does not apply to drivers transporting placardable amounts of hazardous materials.

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