

J. J. Keller & National Private Truck Council (NPTC) Webcast

Hours of Service

Thursday, March 24th, 2016

Hours of Service

Gary Petty
President & CEO
National Private Truck Council

NPTC
National Private Truck Council

J. J. Keller
& Associates, Inc.
Since 1953

Meet Your Presenters

Gary Petty
President & CEO
National Private Truck Council

Tom Moore, CTP
Senior Vice President
National Private Truck Council

Tom Bray
Senior Transportation
Management Editor
J. J. Keller & Associates

Jeff Smith
Manager
Gold Medal
Bakeries

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Regulatory Background

Thomas Bray
Sr. Editor, Transportation Management
J. J. Keller & Associates, Inc.

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Hours-of-Service Regulations



• **Three core areas:**

- **Limits** (§395.3 and §395.5)
- **Logs/recordkeeping** (§395.8)
- **Exceptions** (§390.3, §395.1, and Federal Register Entry)



Limits



• **Property-carrying driver must stop driving once driver reaches (§395.3):**

- **8 hours since last break of 30 minute break***
- **11 hours of driving**
- **14 consecutive hours since reporting for duty***
- **60 hours in 7 days or 70 hours in 8 days**
 - 34-hour restart allowed
- **10 hour break requirement**



Limits



• **Passenger-carrying driver must stop driving once driver reaches:**

- **10 hours of driving**
- **15 on-duty hours***
- **60 hours in 7 days or 70 hours in 8 days**
 - NO 34-hour restart
- **8 hour break requirement**



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Logs/Recordkeeping




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- Required to verify compliance with limits and must include specific elements
- Must be complete*, current to last duty change*, accurate*, and truthful*
- Three types:
 - Paper logs (\$395.8)
 - Automatic Onboard Recording Devices, or AOBDRs (\$395.15)
 - Logging software programs (\$395.8)





To Print or Not to Print...




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- AOBDRs do not have to be able to print
 - Officer can request the company provide records within 48 hours
- Logging software programs MUST be able to print
 - If program does not have signature protocol, log must be printed and signed at the end of the day
 - If program does have a signature protocol, printing is only required when requested by an officer





Exceptions



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- Many existing:
 - 7 in §390.3(f)
 - 22 in §395.1(b) to (s)
 - 11 based on exemption applications and Federal Register entries
- Make sure you and the driver clearly understand:
 - Exactly what the exception allows
 - When the exception is applicable and what it requires (the "terms" of the exception)
 - How to indicate that an exception was used to explain excessive hours




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Exception by Rule


- All HOS rules (limits and logs):
 - Exceptions at §390.3
 - Disaster relief (§390.23)
 - Agricultural operations with 150 miles (§395.1(k))
 - Utility service vehicle drivers (§395.1(n))
 - Railroad signalmen (§395.1(r))
 - Drivers of covered farm vehicles (§395.1(s))
- All limits:
 - Retail store deliveries (§395.1(f))
- 30-minute break
 - Not required to take the break: Drivers transporting livestock, bees, timber from the forests in Oregon during fire season, oversize/overweight shipments under permit (all Federal Register)
 - Log as on-duty: Drivers transporting explosives (§395.1(q)), highly radioactive materials for DOE (Federal Register), munitions for DOD (Federal Register), ready-mix concrete (Federal Register), HM under terms of a security plan that requires attendance (Federal Register)
- 10- or 11-hour driving
 - Adverse conditions and emergencies (§395.1(b))
- 60/70 hour rule
 - Driver salespersons (§ 395.1(c))
 - Retail store deliver (§395.1(f))
 - 24 hour restarts (oilfield §395.1(d)(1), water drill rig §395.1(l), construction §395.1(m))
- Break requirement
 - "Split" sleeper break in §395.1(g)
 - "McKee" split break exemption (Federal Register)
- Logging (exempt)
 - Short-haul drivers (§395.1(e)(1) and (2))
 - Non-business private carriers of passengers (§395.8)
- Logging (alternate methods)
 - Scheduled regular-route bus drivers – logging stops (Federal Register)
 - Logging waiting time on oil or gas well site as off-duty (§395.1(d)(2))
 - Travel time - logging non-driving trips off duty (§395.1(j))
 - AOBRRDs (§395.15) and ELDs (as of 12/16/17)




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Common Exception Example


- "Short haul" exception at §395.1(e)(1)
 - **What the exception allows:**
 - The driver does not have to keep a log (exempt from §395.8)
 - The driver does not need to take the 30-minute break
 - All other rules still apply (11 driving, 60/70, restart, DQ, etc.)
 - **Requirements:**
 - Driver must stay within 100 air-miles
 - Driver must return to, and be released from, the work reporting location for the day within 12 hours
 - A time record for the day showing start and ending times, and on-duty time, must be retained for six months



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Beyond Compliance

Tom Moore CTP
Sr. Vice President
National Private Truck Council



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HOS Restart


- Legislative action: DOT appropriations bill
- FMCSA report to Congress expected in April
- Coalition seeking reforms




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Estimated Negative Impact on Productivity



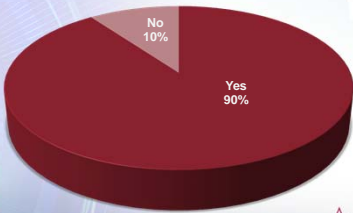
Impact Category	Percentage
No negative impact	20%
More than 10%	20%
Less than 5%	30%
5%-10%	30%




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Fleets Affected by the 34-Hour Weekly Reset



Affected Category	Percentage
No	10%
Yes	90%



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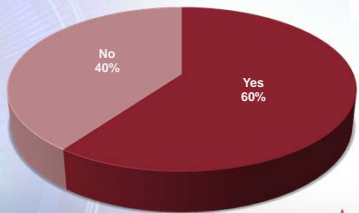


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Fleets Paying for Mandatory Rest Breaks



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Most Common Driver Violations

Violation Description	# of Violations	CSA Severity
Log Violation (General Form And Manner)	163,653	1
Non-English Speaking Driver	101,664	4
Driving beyond 9 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	95,540	7
Drivers Record Of Duty Status Not Current	92,437	5
State/Local Laws - Speeding 6-10 Miles Per Hour Over The Speed Limit	85,560	4
Falling To Use Seat Belt While Operating Cmv	53,694	7
Driving beyond 14 hour duty period (Property carrying vehicle)	49,051	7
Operating a property-carrying vehicle without possessing a valid medical certificate.	44,368	1
Failure To Obey Traffic Control Device	39,264	5
False Report Of Drivers Record Of Duty Status	36,873	7
Driver Not In Possession Of Medical Certificate	33,855	1
Driver Failing To Retain Previous 7 Days' Logs	28,252	5
No Drivers Record Of Duty Status	27,958	5
Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	26,076	7



Jeff Smith
Gold Medal Bakery

Jeff Smith
Director of Transportation
Gold Medal Bakery




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Jeff Smith - Director of Transportation



Jeff Smith
Gold Medal Bakery

- Over 20 years in the baking industry
- Sales Operations experience
 - District Manager
 - Account Manager
- Logistics / Transportation
 - Distribution analyst
 - Fleet Manager
 - Military Logistics & Air Cargo



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History of Gold Medal Bakery



Jeff Smith
Gold Medal Bakery

- Auguste LeComte founded Gold Medal Bakery in 1912
- We now have over 400,000 square feet of production and warehousing space
- We currently ship over 2 million units of fresh bread, rolls and english muffins a week
- Gold Medal delivers to over 700 locations serving most locations 5 days per week



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Gold Medal Bakery Operations



Jeff Smith
Gold Medal Bakery

- Our delivery area is all 6 New England states, New York City, Long Island, the Hudson Valley of NY, most of NJ
- We have depots in Milford, CT, Brooklyn, NY, Ronkonkoma, NY, Newark, NJ
- Due to baking schedules and customer requirements the Operation is truly 24 hours a day, 7days a week, 364 days a year



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Gold Medal Bakery Fleet

- GMB owns and operates (class 7 & 8)
 - 76 Single axle day cab tractors
 - 4 Tandem axle day cab tractors
 - 6 Straight trucks CDL
 - 4 Bulk tank trailers
 - 96 Dry Van trailers
- GMB leases (class 6)
 - 8 Straight Trucks Non CDL



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Gold Medal Bakery Driver Population

- Fleet Manager
- Loss Prevention Manager
- Dispatch Supervisor
- 6 Driver Supervisors
- 85 Full Time Drivers
- 7 Part Time Drivers
- Average age is 50
- Average Years of Service is over 9




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Operations

- Paid by the hour OT after 40
- Local / Regional deliveries - Home every night
- Direct Store Delivery
- Average 12 stops per run
- Runs average 10 to 12 hours per day
- Most runs start between 12 noon and 5 PM
- A majority of drivers work 5 days per week
- Off on Tuesdays and Saturdays
- Start as a vacation relief driver



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Hours of Service

- **Most runs are the same every week**
 - Hours do not vary very much
 - Days do not vary
 - Hours of service are the same most weeks
- **Issue occur when**
 - Runs leave late productions issues
 - Vehicle breakdowns
 - Weather
 - Holidays
 - Traffic




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New Hours of Service Regulations Breaks

- **We always paid the drivers for two 15 minute breaks. The driver took them at there convenience**
- **New regulation stop for 30 minutes before 8 hour**
 - Problems with meeting time windows
 - Getting ahead of other vendors at the back door
 - Safe locations to park for 30 Minutes
 - Violations
- **Overcoming the issues**
 - **Routing for break**
 - Location
 - Time
 - Violation monitoring with onboard device
 - Training




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Restart Provisions

- **Restart primarily on the week before a holiday**
 - We deliver to our customers up to 10 days in a row
 - Volume increase and routes become longer
- **Old Rule worked**
 - Plan 34 hours off one out of the 10 days
- **New rule two Periods between 1 and 5 AM (prior to suspension)**
 - Was not practical – most driver are working at some time between 1-5 AM
 - Required our drivers to take up to 50 hours off to reset
- **Overcoming the issue**
 - We used more rental drivers
 - We had violations



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Exceptions



• Short Haul Operations

- **100 Air Mile**
 - We do not use as most of our drivers as they hit the 12 limit at least once per week.
- **Non-CDL 150 Air mile**
 - We do take advantage of this exception for qualifying drivers

• Adverse Driving Conditions

- **We do take advantage of both**
 - Adverse weather
 - Emergency conditions



Driving with in the Regulations



• We train the drivers that:


- They own their hours of service
- Captain of the Ship Policy
- Review the regulations at semiannual meetings
- How to use the our on board system

• We use


- Our on board system reporting to find violations
- Coach driver when they violate the regulations
- Document coaching and training




Question & Answer Session




Gary Petty
National Private
Truck Council



Tom Moore, CTP
National Private
Truck Council





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J. J. Keller &
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Jeff Smith
Gold Medal Bakery

Please continue to submit your questions.



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**Thank you for participating
in today's webcast!**

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