

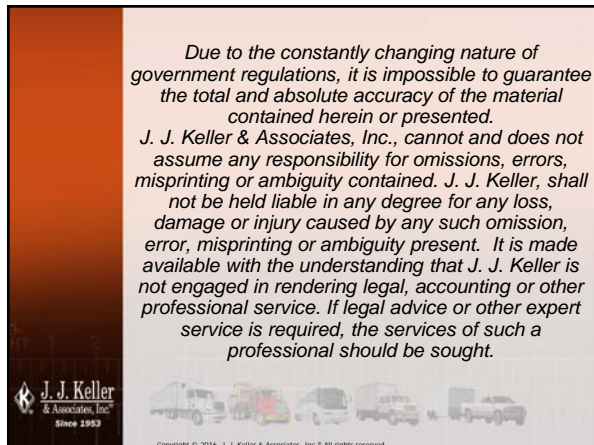
J. J. Keller Webcast
Give Me A Break!
Am I exempt from HOS or ELDs?
Wednesday, December 14th, 2016



Hours of Service
Exceptions and Exemptions



An Educational Webcast Sponsored by the J. J. Keller® Encompass® E-Log System





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Daren Hansen Senior Editor
Transportation Safety



- 20 years at J. J. Keller
- Subject-Matter Expert on Federal Motor Carrier Safety Regulations
- Member of the NPTC Legislative and Regulatory Advisory Committee since 2004

Editor For...



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Tom Bray Lead Editor
Transportation Management



- 10 years at J. J. Keller
- 23 years of industry experience
- Member of the Wisconsin Council of Safety Supervisors (WCSS) and Chairman of the Safety Director Development Committee
- Active in the Wisconsin Motor Carriers Association (WMCA)




Editor For...



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Webcast Outline

- Who has to comply?
 - CMV definition, Federal vs. State
- Exemptions
 - 'Blanket' exemptions
 - HOS exemptions
 - Log & ELD exemptions
 - Other HOS exemptions
- Managing risk






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Who Has to Comply?

- Commercial motor vehicles (CMVs)
- Federal (interstate) definition - §390.5:
 - GVW or GCW @ 10,001+ lbs.
 - GVWR or GCWR @ 10,001+ lbs.
 - Placarded Hazmat
 - 9+ people for \$\$\$
 - 16+ people

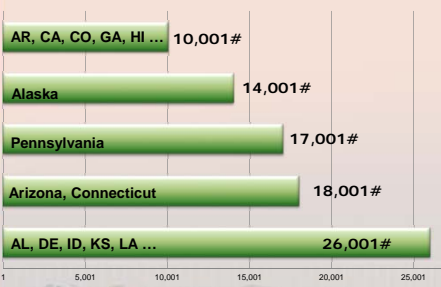


Who's NOT exempt?


- Non-CDL drivers
- Pickup truck drivers
- Salaried employees
- Mechanics
- Supervisors
- "Occasional" drivers
- Yard jockeys ("open to public travel")




State Compliance



State/Region	Weight Threshold
AR, CA, CO, GA, HI ...	10,001#
Alaska	14,001#
Pennsylvania	17,001#
Arizona, Connecticut	18,001#
AL, DE, ID, KS, LA ...	26,001#





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Poll Question

Which DOT safety rules are you subject to?
Select all that apply:


- Interstate, property
- Interstate, passengers
- In-state only, property
- In-state only, passengers
- None



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Exemptions from FMCSRs



- Declared emergencies: §390.23
- Police request for towing: §390.23
- School bus operations (home to school, school to home): §390.3
- Government operations: §390.3
- Movement of personal property: §390.3
- Fire/rescue vehicles: §390.3
- Off-road construction equipment: §390.5



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Exemptions from FMCSRs

- Urgent propane delivery: §390.3
- Pipeline emergencies: §390.3
- Transporting sick, injured, deceased: §390.3
- 9- to 15-passenger vans: §390.3
 - No "direct compensation" for services
 - Not otherwise a CMV






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Exemptions from HOS

- Agricultural operations: §395.1(k)
 - Agricultural commodities or farm supplies for agricultural purposes
 - 150 air-mile radius
 - Planting/harvesting season
- "Covered farm vehicles": §395.1(s)
- Utility service vehicles: §395.1(n)
- Pipeline welding trucks: §395.1(x)
- Railroad signal employees: §395.1(r)






Log Exemptions

100 air-mile radius	150 air-mile radius
Hawaii drivers	Non- business PMCPs



100 Air-Mile Radius



- Stays within 100 air miles
 - 115 road miles
 - 10/11 hours driving max
 - "Normal work-reporting location"
 - May be a temporary site
- Returns to starting location
 - Exception: driver salespersons



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100 Air-Mile Radius


- Done and off duty within 12 *consecutive* hours (includes breaks!)
 - 14 hours for ready-mixed concrete
- 8/10 hours off between shifts
- Time records instead of logs
 - Start, end, total hours
 - Kept for 6 months

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100 Air-Mile Radius



- Only exempt from “grid” logs and breaks
- 60/70-hour rule applies
- Other safety rules apply (med card, etc.)
- Crossing state lines / hauling HM
- If you exceed the limits, then log and rest breaks are required on that day



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150-Air-Mile Radius

- Non-CDL, property-carrying CMVs
 - Over 10,001 lbs., under 26,001 lbs.
 - Not placarded
 - Driver may *hold* a CDL
- Stays within 150 air miles
 - 172 road miles
- Returns to normal reporting location






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150-Air-Mile Radius



- 10 hours off, 11 hours driving, 60/70
- No daily on-duty limit
- Done driving within:
 - 14 hours on 5 out of 7 days
 - 16 hours on 2 out of 7 days
- Keep time records
- Exempt from "grid" logs, 30-minute breaks, and 14-hour limit (2x/week)



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Hawaii Drivers



- Standard grid logs not required
- Time records:
 - Start time
 - End time
 - Total on-duty hours
- All normal limits apply



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Non-Business PMCPs

- Non-business, private motor carriers of passengers
- Examples:
 - Churches
 - Private schools
 - Scout groups
 - Other charitable groups




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ELD Exemptions



- Exempt Drivers
- Occasional Logging
- Pre-2000 CMVs
- Driveaway-Towaway
- AOBRD Users



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Drivers Who Seldom/Never Log

- Drivers entirely exempt from logs
 - Government, ag, utility
 - Hawaii drivers
 - Non-business PMCPs
- Drivers who log infrequently
 - Intermittent drivers
 - 100-air-mile radius drivers
 - Non-CDL 150-air-mile drivers



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Drivers Who Occasionally Log

- No more than 8 days per 30 days
- ELDs required if not exempt from logs on 9 or more days in the last 30-consecutive-day period
- Rolling period of time






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Pre-MY2000 Vehicles


- CMVs manufactured before model year 2000
- Based on 10th position in the VIN
- VIN taken from registration
- ELD use is optional



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Driveaway-Towaway




- Driven vehicle is part of the shipment being delivered
 - Manufacturers delivering to dealers
 - Dealers delivering to buyers
 - "Driveaway-towaway" defined in §390.5
- Also applies to motor homes and RV trailers



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AOBRD Users

- Drivers using an AOBRD by Dec. 17, 2017
- Must comply with §395.15
- May continue using the AOBRD until Dec. 16, 2019
- Upgraded or replaced




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Digital Logs


- "Laptop logs," phones, tablets, etc.
- No tethered component, so not compliant as ELDs or AOBDRs
- Must comply with §395.8
- May be reviewed on-screen if signed
- Must be printed daily if no digital signature
- Must be printed onto paper *on demand*
- May need ELD starting Dec. 18, 2017



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Managing Risk


- Misusing an exemption
- Exemptions can lead to complacency
- Know the details, know how to use it, and know what to do if it no longer applies
- Does it always make sense to use an exemption?



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Managing Risk

- Crash & violation reduction through ELDs:
 - 53% drop in driving-related violation rate
 - 49% drop in non-driving-related violation rate
 - 12% drop in total crash rate
 - 5% drop in preventable crash rate
- Will your peers use ELDs?
- Efficiency and administrative improvements
- A single standard makes life easier for all





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Exceptions to Being "On Duty"




- Relieved of all duties and free to pursue activities of your own choosing = off duty
- Resting in parked vehicle
- Waiting time, if relieved of duty
- Travel time, if given 8/10 hours off



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Personal Conveyance




- Guidance under §395.8 (Question 26)
- Personal use of CMV to commute or conduct personal business
- Relieved of duty
- Unladen
- Must not be repositioning CMV for a business purpose
- May be featured on ELDs



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Adverse Conditions

- §395.1(b)(1)
- Unexpected
- May not exceed 14/15-hour limit
- 30-minute breaks
- Does NOT cover parking shortages, breakdowns, loading/unloading delays
- Document it!





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14-Hour Exemption

- 16-hour “short haul” (§395.1(o))
 1. Returned home on last 5 work days
 2. Released within 16 hours (11 hours driving)
 3. Once per week or after restart
- Restart does not affect rule #1
- Does not have to be “scheduled”






14-Hour Exemption

- Oil well servicing (§395.1(d)(2))
 - Specially trained, specially constructed
 - Waiting time at well site
 - Logged on 5th line, or on Line 1 with remarks
- Hi-rail vehicles (§395.1(w))
 - Driving time to or from duty assignment
 - Max 2 hours per day, 30 hours per month



30-Minute Break Exemptions



- Some drivers are entirely exempt:
 - Short-haul (100/150 air-mile) drivers
 - Livestock
 - Bees
 - Permitted
oversize/overweight
loads



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30-Minute Break Exemptions



- Some drivers can be "on duty" for breaks
 - Div. 1.1, 1.2, or 1.3 explosives
 - Highly radioactive DOE shipments
 - Military munitions for DOD
 - HM security plans (172.800)
 - Ready-mixed concrete



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Types of Exemptions


- Regulatory
 - §395.1
 - §390.3(f), etc.
- Temporary
 - Up to 5 years; must be renewed
 - Must comply with the terms!
- Statutory
 - FAST Act



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Status of 34-Hour Restart

- Enforcement is still suspended
- FMCSA could report to Congress soon
- Could restart go away entirely?
- 73-hour limit?





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24-Hour Restart

- Oilfield operations
 - Vehicle used “exclusively” for oilfield
 - Not limited to “specially trained/constructed”
 - Driver must be eligible for 70-hour limit
- Groundwater well drilling equipment
- Construction materials and equipment, within 75 air-mile radius
- Any 24 hours off duty or sleeper berth





Other Exemptions

- Alaska
- Motion picture production
- Christmastime retail deliveries
- Emergencies
- Driver-salespersons
- Sleeper berth



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Welcome!

TRAA-Specific Information




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Applicability to TRAA Companies

- If operating in interstate commerce, 10,001 pounds or more makes the vehicle a "commercial vehicle" under the safety regulations
- If operating in intrastate commerce, it will depend on the state's definition of a "commercial vehicle"
 - Some states use 10,001 pounds or more
 - Some states use 26,001 or more
 - Some states have "unique" definitions ("for-hire," 18,000 pounds, etc.)
 - When applicable, the intrastate safety regulations mirror the federal with a few exceptions




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Applicability to TRAA Companies

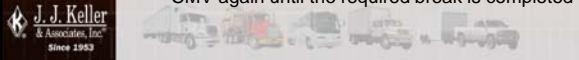
- If the vehicle is a “commercial vehicle” under the applicable definition, the safety regulations
 - When intrastate, if the vehicle meets the state’s intrastate definition of a “commercial vehicle,” then the state’s safety regulations apply
- This includes the hours-of-service regulations, unless there is a specific exception
 - 8, 11, 14, 60/70 hour limits (or the intrastate limits)
 - The break requirements (30 minutes and 10 hours, or intrastate break requirement)
 - Logging requirements (ELDs in the future)



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Exceptions Applicable to TRAA Drivers


- 100 or 150 air-mile logging exception
 - Allows driver to use time record in place of logs if conditions are met
 - Including 16 hours twice in seven days for 150 air-mile drivers
- 16-hour exception
 - Driver must have made it back to work reporting location the last 5 workdays to use
 - Can only be used once every seven days or once since last restart
- There is no “blanket exception” for tow drivers covered by HOS regulations
 - Once a limit is reached, the driver cannot drive a CMV again until the required break is completed



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Applicable ELD Exceptions

- No specific exception for tow drivers when it comes to ELDs
- Driver may be exempt under one of the ELD exemptions
 - If driver is an intrastate driver and is not required to log under the intrastate rules, ELD requirement does not apply
 - Driver is allowed to use paper logs if only required to log 8 or fewer days out of the last 30 days
 - Driver is allowed to use a paper log if vehicle is older than MY 2000 (based on the VIN on the registration)
- The “driveaway/towaway” ELD exception does NOT apply in most towing situations





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Special Exception for Tow Operators

- §390.23(a)(3)
 - The safety regulations (including HOS limits) do not apply if request has been made by a Federal, State or local **police officer** for tow trucks to move wrecked or disabled motor vehicles.
 - The call for service **MUST** have come from an officer, not the motorist or a motor club
 - Limited to the time it took to address the emergency or 24 hours, whichever is less



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Questions?



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