

# SAFETY FOCUS | HOURS OF SERVICE FINAL RULE SLEEPER BERTH PROVISION

### **HOS Changes**

#### HOURS OF SERVICE FINAL RULE

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) published the Hours of Service (HOS) final rule that revises the HOS regulations in 49 CFR Part 395, which prescribe driving limits for commercial motor vehicle (CMV) drivers.

The HOS final rule provides greater flexibility and productivity for drivers without adversely affecting safety.

Drivers and carriers must operate under the HOS final rule starting **September 29, 2020** at 12:01 AM EST, and not before.

# **Sleeper Berth Provision Changes**

The sleeper berth provision allows drivers to split their 10-hour off-duty period in different ways (e.g., 7/3, 8/2, 7.5/2.5), provided one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and the other involves at least 7 consecutive hours spent in the sleeper berth. The periods must add up to 10 hours, and when used together, neither time period counts against the maximum 14-hour driving window.

### **Previous**

- Minimum of 8 hours are in the sleeper berth, and this period is excluded from the calculation of the 14-hour driving window
- The other rest period of 2 or more hours is included in the 14-hour driving window

### New

- One off-duty period (whether in or out of the sleeper berth) is at least 2 hours long, and
- The other involves at least 7 consecutive hours in the sleeper berth
- Both periods added together must equal at least 10 hours
- When paired, neither time period counts against the 14-hour driving window
- 8-hour sleeper-berth period by itself can no longer be excluded from the 14-hour driving window

## Example

In this example, we are going to look at how the sleeper berth provision can be used to satisfy the 30-minute interruption of driving time requirement and accommodate a delay at a customers dock. There are **no violations** in this example.

The driver comes on-duty at midnight after having 10 consecutive hours off-duty, which means he or she can drive for up to 11 hours within a 14-hour window. The driver is **on-duty driving for 8 hours** and arrives at the customer and backs in to the dock for delivery at 8 a.m. The customer informs the driver that they will not be able to unload them until 10:30 a.m. The driver takes a 3-hour off-duty rest period from 8-11 a.m. and comes back on-duty at 11 a.m. when unloaded. The driver is on-duty driving at 11:15 a.m and drives for 3 hours. At 2:15 p.m., the driver stops a secure location for a 7 hour sleeper berth period.

Under the new HOS rule, the driver satisfied the 30-minute interruption of driving time requirement with the 3 hour off-duty rest period and because the driver accumulated at least 10 hours of rest using a combination of 3 consecutive hours off-duty and 7 consecutive hours in the sleeper berth, the driver has not violated the 11-hour driving limit. Because both periods are qualifying rest periods, when used together, they can both be excluded from the 14-hour driving window, so there is no 14-hour violation.

1. Off Duty	p.	ų,	P.F.	PP.	P.L.	μh	P.F.	PP.	η.	11		η,	1.1.	ų,	PP.	p.b.	'l'	րե	PP.	P.L.	P.	P.F.	μh	11	3
2. Sleeper Berth	Ш	ш	րի	Ψ	րի	Щ	ηı	ф	ψ	ηŀ	րի	ф	Ш	ηı	l,	ηı	ψ	ηı	ηı	ηı	Ψ	l.h	րր	ЧЧ	7
3. Driving	du	ılı	ili	ılı	ılı	ılı	ılı	ih	ılı	սև	ılı	ılı	ılı	ili	h	ılı	սև	lılı	ılı	սև	ılı	lılı	h	ılı	11
4. On Duty (not driving)	1	.1.		.1.	.1.	.1.		.1.	.1.	.1.	.1.	1.	.1.	.1.	.1.	.1.	.L.		.1.		.1.		.1.	.1.	.25