

● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR

FMCSA HOS Exceptions & Operational Flexibility

TUESDAY / JULY 14 / 1-2PM CST



Joshua Anderson
Safety Consultant, SMSC

Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions by clicking on the question box on the top right of your GoToWebinar panel.

Q&A at the end of the webinar.

Additional questions can be emailed to: janderson@smscsafety.com

A recorded copy of the webinar and slides will be made available to all attendees.



Presenter



Joshua Anderson, CSS
SMSC



Today's Agenda

- 1 HOS Fundamentals
- 2 Core FMCSA Exceptions
- 3 Industry-Specific and Emergency Exceptions
- 4 Compliance and Application
- 5 Q & A



HOS Fundamentals and Rationale for Exceptions



Overview of Standard HOS Rules

Driving and On-Duty Limits

Standard HOS rules include an 11-hour driving limit and a 14-hour on-duty window to control driver fatigue.

Weekly Hour Limits

Drivers must adhere to 60/70-hour weekly limits to prevent excessive work hours and ensure rest.

Rest and Sleeper Berth Requirements

Mandatory rest periods and sleeper berth time are required to maintain alertness and safety on the road.

Importance of Understanding Exceptions

Exceptions modify specific HOS limits but do not override all safety requirements, emphasizing proper application.



Why FMCSA Allows HOS Exceptions

Operational Realities

Certain industries have unique demands that require HOS exceptions beyond standard trucking regulations.

Balancing Safety and Needs

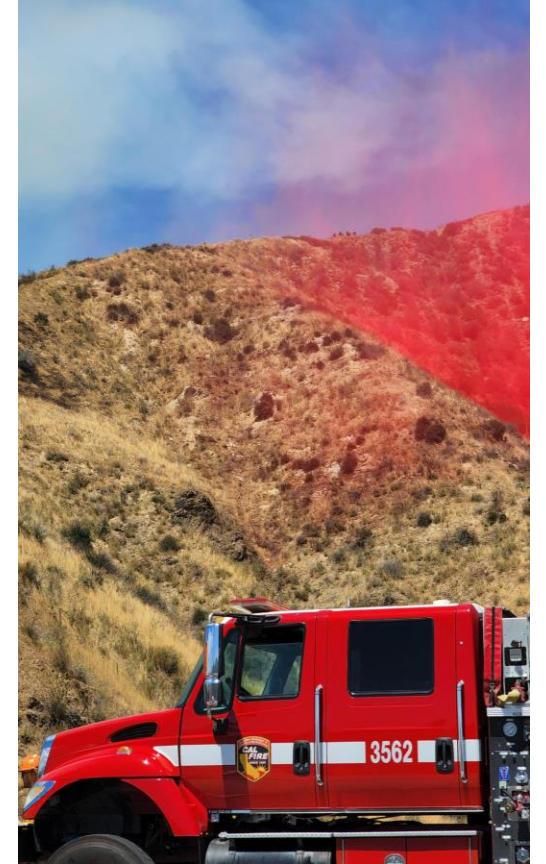
Exceptions aim to balance safety requirements with economic and logistical challenges faced by carriers.

Responsibility and Compliance

Drivers and carriers must apply exceptions carefully to avoid abuse that compromises safety and invites enforcement.

Purposeful Application

Understanding the purpose of exceptions helps defend their appropriate use during audits and inspections.



Core FMCSA HOS Exceptions



Short-Haul Exception 395.1(e)(1)

Air-Mile Radius Requirement

Drivers must operate within a 150 air-mile radius from their reporting location to qualify for the exception.

Duty Time Limit

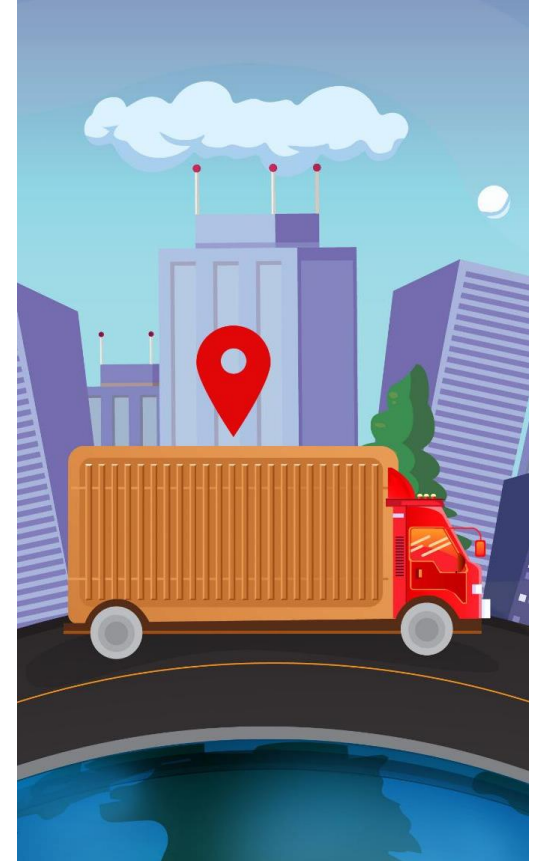
Drivers are limited to a 14-hour duty period and must return to the reporting location the same workday.

Employer Recordkeeping

Employers must keep accurate time records even if drivers are exempt from traditional logs or ELD.

Eligibility Verification

Emphasis on verifying all criteria are met before applying the Short-Haul Exception to ensure compliance.



Short-Haul Compliance Risks

Common Violations

Exceeding 150 air-mile radius and working past the 14-hour limit are frequent short-haul errors.

Record-Keeping Issues

Inadequate documentation of start and end times often leads to compliance breaches.

Risk Mitigation Strategies

Proactive monitoring, driver training, and internal audits reduce compliance risks effectively.



Short-Haul Exception

Exceeding the 150-air-mile radius

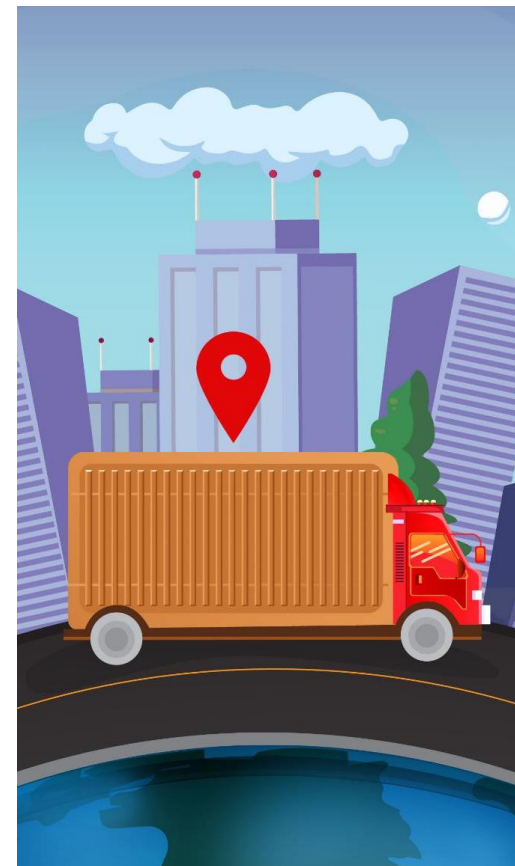
- When a driver no longer meets the exception (drives too far/works too many hours):
 - The driver must complete a regular log or use an ELD for the day
 - 8 or fewer days within the last 30 Days- the driver can use a paper log
 - More than 8 days within the last 30 days, the driver must use an ELD to record time for that day

Proper Record Keeping

Example

No Violation In this example, the property-carrying driver has taken 10 consecutive hours off-duty before coming on-duty at midnight and being released from duty at 2 p.m. During that time, the driver drove for 9 hours, and spent the remaining time on breaks or on-duty, not driving. The driver returned to the normal work reporting location at 2 p.m., was released within 14 consecutive hours, and stayed within a 150 air-mile radius.

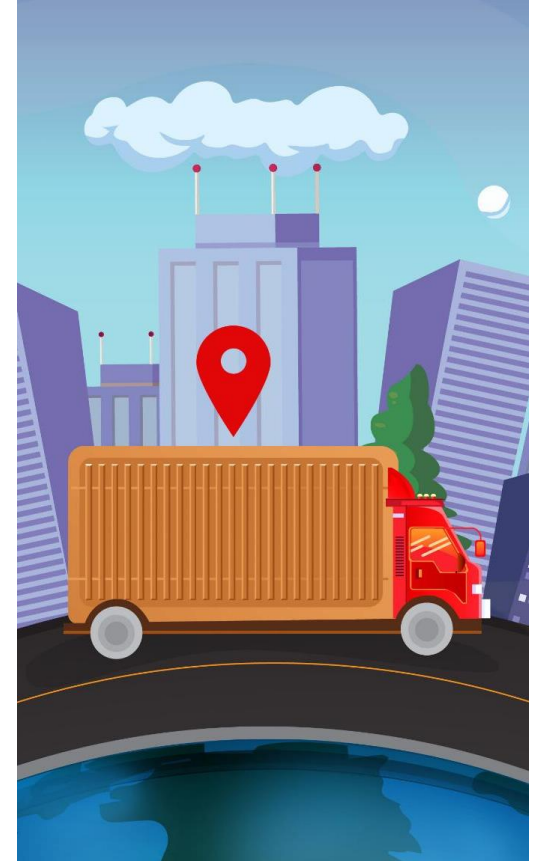
Date	Start Time (All)	End Time (All)	Total Hours	Driving Hours	Truck Number	Start Location	End Location
5/7/20	12:00 am	2:00 p.m.	14	9	123456789	123 Main St Burbank, CA	123 Main St Burbank, CA



Short-Haul Exception

Question

- What happens when a short-haul driver encounters an adverse driving condition and is unable to return to the reporting location within 14 hours?



Adverse Driving Conditions Exception 395.1(b)(1)

Definition of Adverse Conditions

Unexpected events like sudden weather changes or traffic incidents qualify as adverse conditions under this exception.

Conditions Not Covered

Predictable congestion or seasonal weather does not qualify as adverse conditions for extending driving time.

Effect on Driving Time

The exception allows extending driving time by **UP TO** two hours.



Split Sleeper Berth Rule



Rest Period Flexibility

The rule allows dividing rest into two periods like 8/2 or 7/3, enhancing driver flexibility and comfort.



14-Hour Clock Pause

The rule pauses the 14-hour driving clock during rest, which drivers must calculate accurately to maximize driving time.



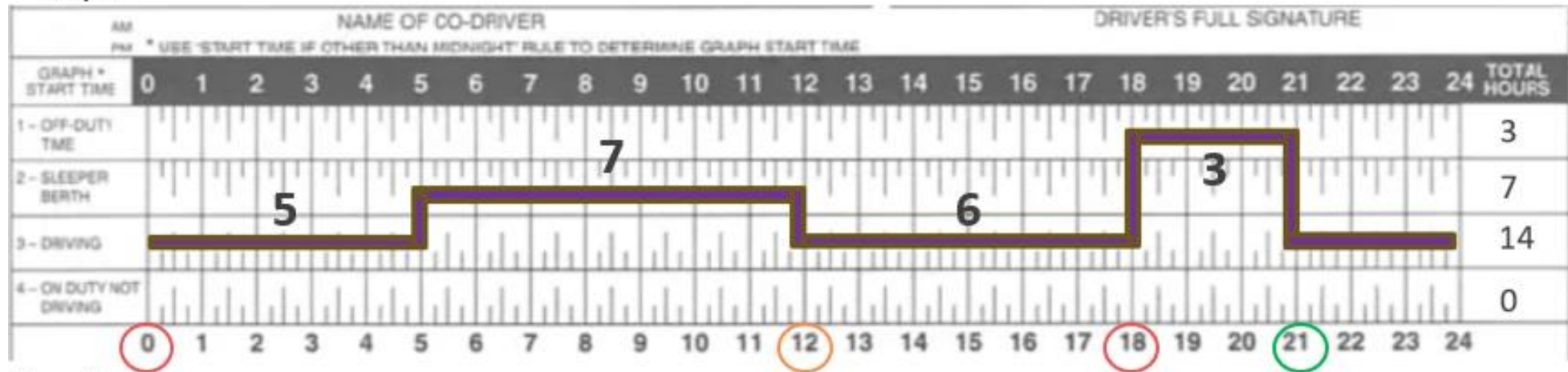
Compliance and Log Accuracy

Accurate log entries are critical to meeting pairing requirements and ensuring regulatory compliance under this rule.

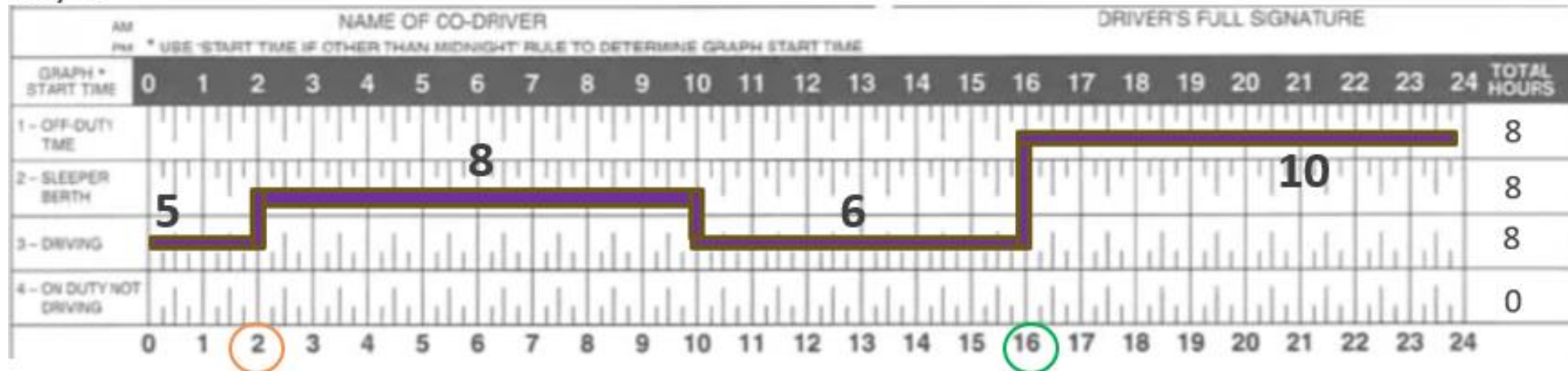


Split Sleeper Berth Rule

Day 1



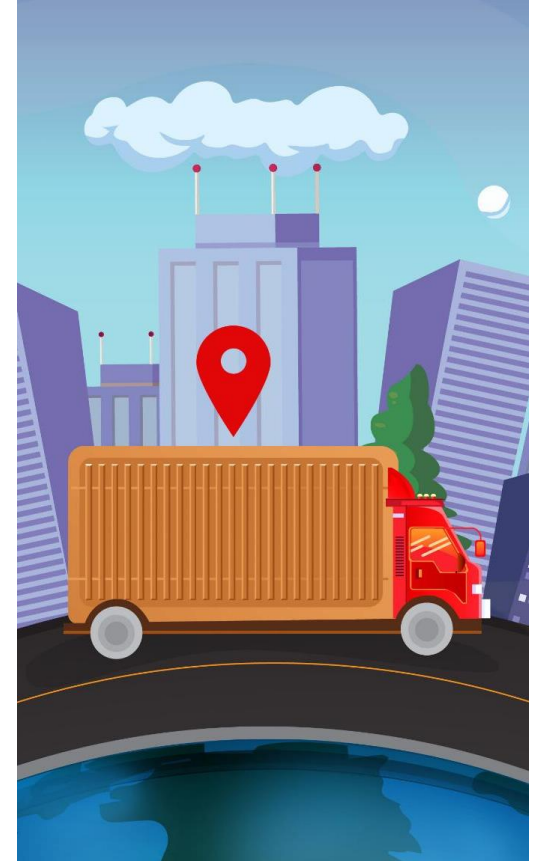
Day 2



Split Sleeper Berth Rule

Question

- A driver takes a 3-hour break on a Friday in the middle of their shift, and then at the end of their shift goes off-duty to complete a 34-hour rest break. Is the driver in violation?



Industry-Specific and Emergency Exceptions



Agricultural Operations Exception 395.1(k)

Qualification Criteria

The exception applies only during state-declared planting and harvesting periods within a 150 air-mile radius.

Covered Commodities

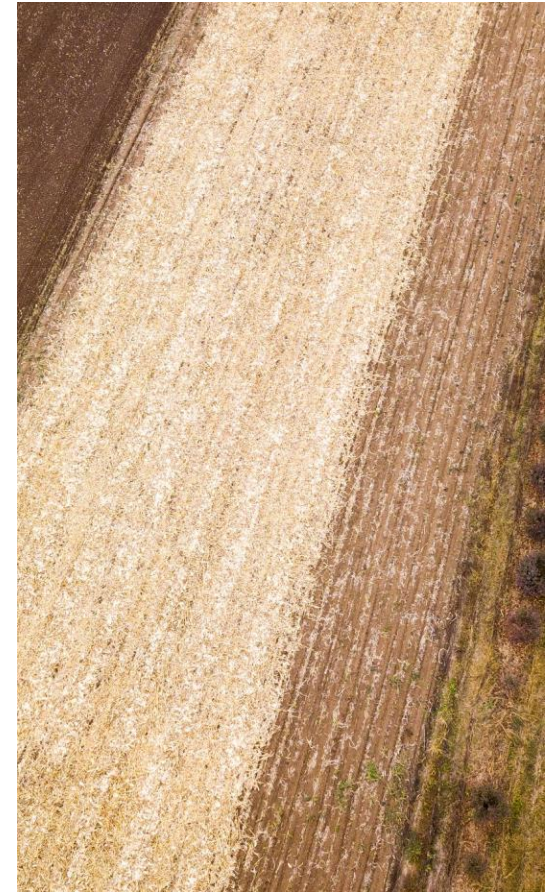
Specific agricultural commodities qualify for the exception, emphasizing the importance of knowing covered products. [Composite Commodity List](#)

Impact on Hours of Service

This exception alters Hours of Service limits for qualifying operations during designated times and areas.

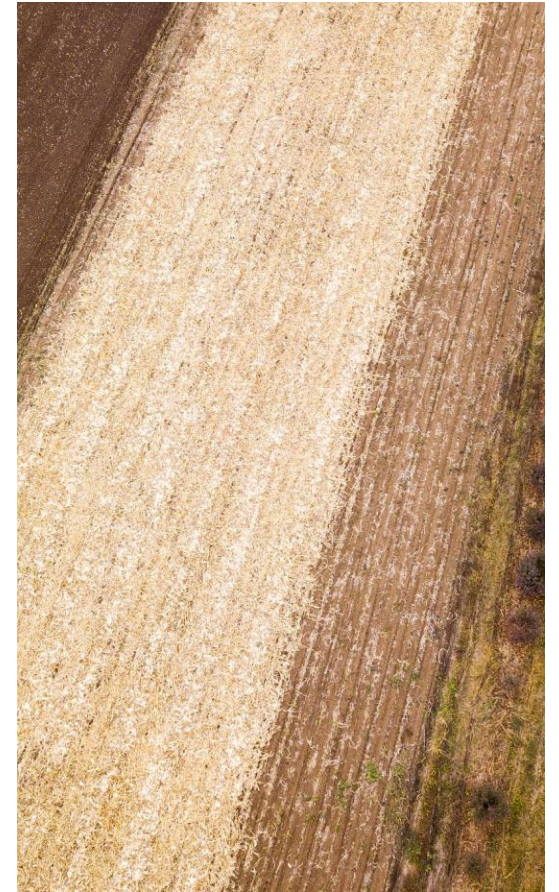
Verifying State Declarations

It is critical to verify state planting and harvesting declarations to ensure compliance with the exception. [Final AG Tables](#)



Agricultural Operations Exception 395.1(k)

49 CFR §395.1(k) provides exemptions from the HOS rules, during planting and harvesting periods as determined by the State, for the transportation of agricultural commodities (including livestock, bees, horses, fish used for food, and other commodities that meet the definition of “agricultural commodity” under § 395.2) within a 150 air-mile radius from the source of the commodities. The exemption also applies to the transport of farm supplies for agricultural purposes shipped from either a wholesale or retail distribution point to the location the supplies will be used or from a wholesale distribution point to a retailer.

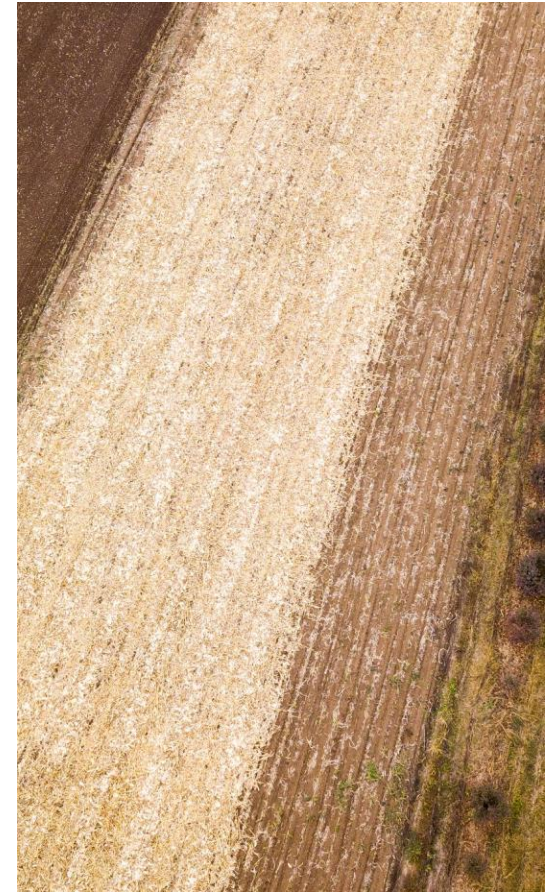


Agricultural Operations Exception 395.1(k)

What is the definition of Agricultural Commodities?

(1) Any agricultural commodity, non-processed food, feed, fiber, or livestock as defined in this section.

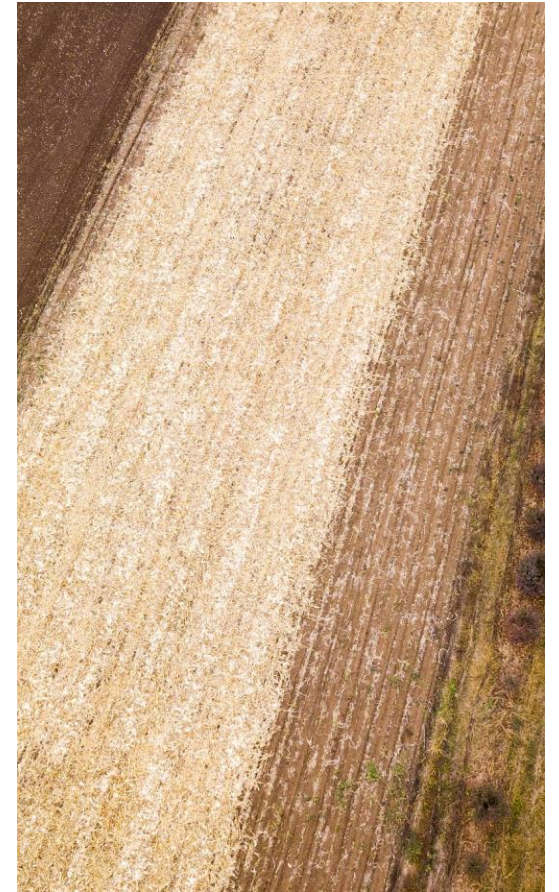
(2) As used in this definition, the term “any agricultural commodity” means horticultural products at risk of perishing or degrading in quality during transport by commercial motor vehicle, including plants, sod, flowers, shrubs, ornamentals, seedlings, live trees, and Christmas trees.



Agricultural Operations Exception 395.1(k)

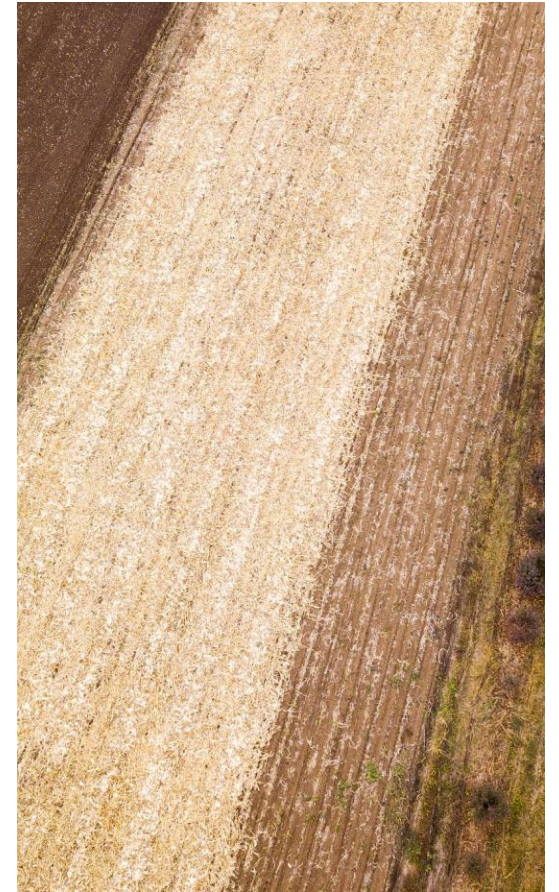
Motor carriers transporting livestock have been eligible to use the 150 air-mile exemption from the HOS rules at the end of a trip since November 15, 2021. Therefore, the HOS rules are not in effect for livestock haulers between a point 150 air miles from the source of the livestock – typically a sales barn – and a point 150 air miles from the place where the livestock will be delivered. The end-of-trip exemption is found in § 395.1(k)(4) of the Federal Motor Carrier Safety Regulations.

The HOS regulations do not apply to drivers transporting agricultural commodities operating completely within the 150 air-mile radius of the source of the commodities; this applies to both private and for-hire carriers. Therefore, work and driving hours are not limited, and the driver is also not required to use an Electronic Logging Device (ELD) or keep paper logs. In operations where drivers who solely stay within the 150-air-mile radius use a vehicle equipped with an ELD, a driver may use an “Exempt Driver” account or not log in to the ELD.



Agricultural Operations Exception 395.1(k)

When operating within the 150 air-mile radius, the driver can either identify the movement of the commercial motor vehicle as authorized personal use on the ELD or refrain from logging into the ELD. • If the driver logs into the ELD and identifies the movement as authorized personal use, then the driver must also make an annotation on the ELD explaining that the movement is exempt per the agriculture exemption. Upon exiting the 150-air-mile radius, the driver must allow the ELD to record the movement of the vehicle as on-duty driving.



Oilfield Operations Exception 395.1(d)(1)

Waiting Time in Operations

Waiting periods at well sites are common and must be accurately recorded to ensure proper duty calculations.

Impact on On-Duty Calculations

Recorded waiting time influences total on-duty hours, affecting compliance with regulations and scheduling.

Exception Limits and Enforcement

Understanding the boundaries of the exception and common enforcement issues helps prevent misclassification of time.

Preventing Misclassification

Clear guidelines reduce improper log entries and ensure accurate recording of all operational times.



Oilfield Operations Exception 395.1(d)(1)

- (1) In the instance of drivers of commercial motor vehicles used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.
- (2) In the case of specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site. Such waiting time shall be recorded as “off duty” for purposes of § 395.8, with remarks or annotations to indicate the specific off-duty periods that are waiting time, or on a separate “waiting time” line on the record of duty status to show that off-duty time is also waiting time. Waiting time shall not be included in calculating the 14-hour period in § 395.3(a)(2). Specially trained drivers of such commercial motor vehicles are not eligible to use the provisions of paragraph (e)(1) of this section.



Emergency Declarations

Issuance of Declarations

Emergency declarations are issued by authorized governmental bodies to provide temporary relief during crises.

Emergency Declarations, Waivers, Exemptions and Permits | FMCSA

Scope and Duration of Relief

Relief under emergency declarations has a specific scope and duration, after which standard rules resume.

Documentation and Compliance

Proper documentation is essential to avoid enforcement risks associated with the misuse of emergency relief.



Compliance, Documentation, and Application



Documentation and Recordkeeping

Importance of Documentation

Proper documentation ensures compliance and protects drivers and carriers during inspections and audits.

Supporting Evidence

Supporting evidence must be accurate and complete to validate any HOS exceptions during investigations.

Best Practices

Consistency, accuracy, and proper retention of records are key to inspection readiness and legal protection.

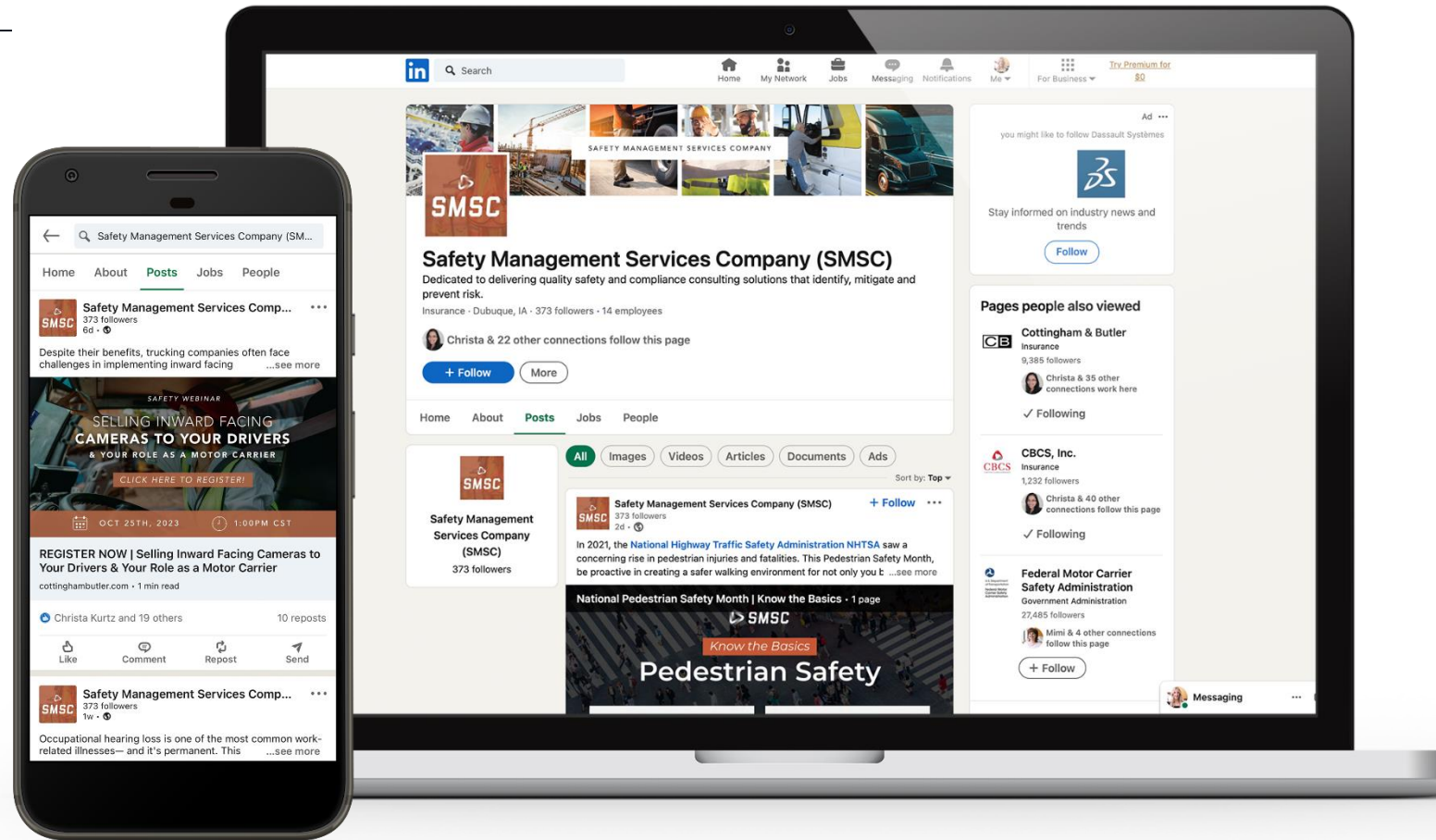




Questions



Let's Stay Connected



@safetymanagementservicescompany(smsc)

