

HS June 2003 – Careers Trucking 202

Careers

Trucking 202

By the Clock

Our first in-depth look at new hours-of-service rules in both the U.S. and Canada. Got your learning cap on?

By Jim Park

Canadian vs. U.S. Hours: A Side-By-Side Comparison

The U.S. Federal Motor Carrier Safety Administration (FMCSA) announced its new hours-of-service rules on April 24, while Transport Canada posted its proposed revisions to the Canada Gazette for final public comment on February 13. The American rules come into effect January 4, 2004, but we still don't know exactly when Transport Canada's proposal will become law here. It's hoped that the proposal will have cleared all the necessary hurdles by early 2004.

When both sets of rules do kick in, you'll find more similarities than differences, but the differences are significant in some cases. Here are the basic operational guidelines for the two rules:

Description	U.S.	Canadian
Max. daily on-duty hours	14	14
Max. daily driving hours	11	13
Min. daily off-duty hours	10	10
Weekly cycles	60/7 or 70/8	70/7 or 120/14
Min. off-duty to reset	34	36 or 72 (depending on cycle)
Split-sleeper provision	Yes	No

Operational flexibility Split-sleeper 48-hour averaging

(text)

Hours-of-service compliance has always been trucking's Achilles heel, the chink in our armor, and frankly, an easy target for any lazy but over-zealous enforcement officer. The violations are so easy to spot during a facility audit, it's like shooting fish in a barrel. We know it, they know it, and the insurance companies know it too. Regrettably, the insurance companies don't make a distinction between an administrative violation and a genuine safety violation. Consequently, all the violations look the same on the carrier safety record, which can drive insurance rates through the roof.

With the increased emphasis on compliance as seen through the carrier safety-rating lens, each and every violation carries a much greater cost than just the dollar value of the fine. The accumulated demerit points can put a carrier out of business. Violations are often pretty minor in nature, but there are just so many of them they're impossible to ignore.

This installment of Trucking 202 contains two separate sections: the first is an outline and comparison of the new American and proposed Canadian rules. The second is a question-and-answer session about logging: how to manage those unique situations, how to manage normal situations under abnormal circumstances, and how to keep the paper record clean and legal, and out of the hands of the auditors.

In my 20-some years of driving, I can't remember a single safety meeting that didn't include some component on managing hours-of-service records. So to make your lives a little easier, and perhaps to keep the HOS component of your next drivers' meeting to a minimum, here's a few tips for staying ahead of the DOT on logbook infractions. This is a tricky issue, so we'll cover a little now, and more in a future issue. If you don't find an answer to your question here, write us and let us know what's troubling you. We'll find the answers.

Two Solutions

The Americans have made a distinction between truck and bus drivers, whereas in Canada the rules apply in the same manner to both. The Americans refer to the truck drivers affected by HOS rules as drivers of property-carrying commercial vehicles having a gross vehicle weight rating

of 10,001 lb or more, and drivers operating vehicles transporting hazardous materials in quantities requiring placards.

Both countries have based their work/sleep cycle on a 24-hour clock, similar to the human body's natural sleep/awake cycle. Both permit drivers to remain on duty for up to 14 hours in a day and both require a minimum of 10 hours off duty in a day. There's a discrepancy, by the way, in how each country officially defines the term 'day'. It may seem like small potatoes, but the distinction affects how the rules are applied. It can be accepted, however, that a day – for enforcement purposes – applies to the 24-hour period beginning when a driver comes on duty at the start of each full work shift, following the appropriate off-duty interval.

Of the 14 available on-duty hours, drivers may drive for 13 hours in Canada, leaving one additional hour for other on-duty activities. In the U.S., drivers are limited to 11 driving hours, with an additional three hours for other on-duty activities.

The Americans and the Canadians differ in how the length of the work day is determined. In the States, the work day can be no longer than 14 consecutive hours, meaning that from the time you start the shift, you have a 14-hour window of opportunity to get your work done. You must log off duty again after 14 hours of clock time have elapsed. For example, if you start work at 6:00 am, you'll have 14 hours to do whatever work you can, then at 8:00 pm, you're off duty once again. Period. You cannot extend the length of the work day by booking off-duty time for lunch breaks, rest stops, etc. Once the clock starts ticking, you've got to make the best of your available hours (there's an exception to this, which we'll get to in a moment).

In Canada, the work day is not limited to 14 consecutive hours. You may, by virtue of lunch breaks, etc, extend the length of the day, but you may only log 14 hours of on-duty time (including up to 13 hours driving) in a 24-hour period. In both countries, you'll need to log 10 hours of off-duty or sleeper time before beginning your next shift.

The Canadian rules also contain a provision whereby drivers may defer a maximum of two hours of the daily off-duty time to the following day if the hours worked in a 48-hour period can be averaged out to equal the allowable cumulative two-day limit. In other words, a driver could drive for

up to 15 hours on a given day, if on the following day the driving hours are limited to 11 hours (the total over the two days is 26, averaged out to 13 per day). Or, if a driver drove only 11 hours on a given day, the next day's driving hours could be extended to 15 using the averaging provision. The total off-duty time taken over a two-day period must still equal at least 20 hours; the total driving time in the two-day period must not exceed 26 hours; and the off-duty time deferred from the previous day must be added to the mandatory eight consecutive hours of daily off-duty time taken on the second day (for a total of 10 consecutive hours off duty).

In Canada, you must take a minimum of eight consecutive hours off duty, with the remaining two of the 10 hours to be taken at your discretion, provided each break is at least 30 minutes in duration. In other words, four 30-minute breaks in the course of the day, or two one-hour breaks, or one 30-minute break and a 90-minute break, then eight more consecutive hours off later in the day. Or, you may choose to take all 10 hours at once. It's your choice, but you'll no longer be allowed to split your workday into, say, a 5-on/4-off routine as many now do using the split-sleeper provision.

In the U.S., drivers may still use the split-sleeper plan to carve the workday into smaller chunks. In fact, the only way to extend the 14-hour work day in the U.S. is to split your sleeper time. The minimum sleeper interval is two hours. The usual conventions still apply: your on-duty (driving time) and sleeper time must add up to the appropriate minimums and maximums for the current and previous on- and off-duty intervals.

For team drivers in Canada, the minimum rest interval has been increased to four hours from two, while the American minimum remains at two hours.

Duty Cycles

The Americans have retained their two duty cycles: 60 hours in seven days, or 70 hours in eight days. But, they've replaced the sit-and-rot aspect of those cycles with a 34-hour reset provision. At any time up to the last hour in the week, a driver can book off for at least 34 consecutive hours, thus resetting the cumulative clock back to zero. Working the full 14 hours each day, a driver would reach 70 hours in five days. Most over-the-road drivers will be working on the 70-in-8 cycle.

For those of you who have mastered the art of cycle switching in Canada, forget it. It's no longer allowed. Once you pick a cycle, either 70 hours in

seven days, or 120 hours in 14 days, you're stuck with it until you fulfill the reset requirements of the cycle you're using. The 70-hour cycle requires 36 hours to reset the clock to zero, while the 120-hour cycle demands a minimum of 72 hours off duty. In order to remain compliant in the 120-in-14 cycle, a driver must also take at least 24 consecutive hours off duty at some point after the 60th hour but before reaching the 80th hour.

And because of the 14-day cycle available in Canada, all drivers will be required to retain copies of the daily logs for the preceding 14 days, as well as any supporting documents that the driver receives in the course of the current trip, such as toll and fuel receipts, etc.

That's a brief comparison of the significant points in both sets of new rules.

Questions and Answers

I've just come back from a week's vacation. How do I log the past seven days if I return to work mid-week, or a couple of days into a new calendar month?

Answer:

To satisfy the requirements of the HOS regulations, you're required to carry log sheets for the previous seven days (if you're in Canada and working on the 120-hours-in-14-days cycle, you're required to carry logs for the previous 14 days). So, if the last day you worked was the 20th and you returned to work on the 28th, you'd need to carry log sheets for the 21st to the 27th, showing that time as off duty. You'd need to draw a line across the top line of each page, indicating in the column to the right of the graph that you spent 24 hours off duty on a given day.

You may choose to log all seven days on a single page by indicating in the 'remarks' section that you were off-duty for the previous seven days (21 to 27 inclusive). Check with your carrier on this one just in case company policy says differently, but it's permissible to log several off-duty days on a single page, with the appropriate notation.

If your vacation carries over the end of the month, you'll have to use a page for the period between the day you started your vacation and the end of the calendar month, and another page for the period from the 1st of the month to the last day of the vacation, i.e. one page showing the 27th to the 31st, and another showing the 1st to the 3rd.

How do I log multiple pick-ups and drops in a city?

Answer:

If all the stops take place in the same city, you may record the total time you spent on duty and log those hours in a single block of time, and then show the total driving time between stops immediately after the on-duty period. If you had four stops and each took 30 minutes, you'd log two hours of on-duty time in a single block, followed by the number of hours spent driving between the stops. You'd note the name of the city or town in the 'remarks' section of the log where the stops took place.

Can I be ticketed for a log violation on the current day if I haven't yet signed my log sheet?

Answer:

Yes, enforcement action can be taken against you, even if that day's record hasn't been signed. The regulations require drivers to keep the record of duty status current to the time of the last change of duty status (whether or not the record has been signed).

I'm a local driver (160-km radius), but once in a while I'm sent outside that zone. Am I required to log my local hours as part of my highway work, and must I maintain a log for the previous seven days?

Answer:

Normally, accounting for the previous seven days isn't required, but you should always carry some sort of proof of the previous days worked, such as time or trip sheets, just in case. On the occasion when you venture beyond the 160-km limit, you will be required to log your time on a recognized log sheet, and you'll have to account for all your hours from the time you started work on that particular day. You can't begin logging your time from the moment you cross over the 160-km line.

May I use the truck for personal reasons like driving home or to a motel or restaurant, and how must the driving time be recorded?

Answer:

The answer is yes, but under limited circumstances. You must have been relieved from work and all responsibility for performing work (off duty); the vehicle must not be loaded (the Canadian rules specify that “any trailers have been unhitched”); and the distance traveled must not exceed 50 km (the FMCSA’s Regulatory Guidance isn’t specific on the distance, saying only “short distances”). If all the above conditions are met, the time spent traveling in a tractor for personal conveyance may be logged as off duty. The only restriction to this is for a driver under an Out-of-Service order. A driver placed out of service for exceeding the requirements of HOS regulations may not drive a commercial vehicle, even to a place to obtain rest.

I’m a team driver. What figure do I place in the ‘Miles Driven Today’ space on the log sheet?

Answer: As a team driver, you’ll need to show both the total miles the truck traveled that day, as well as the miles *you* actually drove. You can do that by placing the total figure on the left side of the blank, then by underlining, circling, or otherwise indicating the miles you drove beside that figure. For example: 960/410.

Although we’ve made every effort to assure that the information we provide is accurate, this explanation is not intended to take the place of published agency regulations. Regulations issued by the U.S. Department of Transportation, Transport Canada, or any provincial jurisdiction are published and should be consulted for official interpretations.

Please visit www.highwaystarmagazine.com to view the new regulations. We’ll also provide links to the official ‘Regulatory Guidance’ section provided by FMCSA and other informative HOS-related websites. Transport Canada is working on official interpretations of its new rules, and when they’re available, we’ll post them too.

We gratefully acknowledge the assistance and expertise of the following souls, who probably know too much about hours of service for their own good.

* George Frazer, George Frazer Consulting Ltd. Brighton Ont. 613-475-6470

* Brian Orrbine, Chief, Motor Carrier Group, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada

* Mike Monson, J.J Keller & Associates, Neenah, Wisconsin 877-564-2333