

FMCSA Is Considering Changes To Certain Hours Of Services Regulations And Is Requesting Your Input

Robert D. Boroff, Esq.

Due to the persistent requests by the industry for flexibility in the hours of services (“HOS”) regulations found in the [Federal Motor Carrier Safety Regulations](#) Federal Motor Carrier Safety Regulations, the Federal Motor Carrier Safety Administration (“FMCSA”) is considering revising and/or eliminating certain HOS regulations. The FMCSA recently announced that it will be accepting public comments on revising/eliminating certain HOS regulations, including: 1) extending a driver’s 14-hour daily limit to 16 hours in the event of encountering “adverse conditions,” 2) extending a 100 air-mile “short haul” exemption driver’s 12-hour daily limit to 14 hours, 3) changing, and perhaps eliminating, the requirement that drivers take a 30-minute break after eight hours of continuous driving, and 4) allowing drivers with a sleeper berth to split their 10-hour off duty period into segments.

The FMCSA has indicated that there is no guarantee it will make the proposed changes identified above. Instead, the FMCSA will only consider making changes if it receives feedback supporting such changes from the public and stakeholders, and so, it encourages everyone to respond to the Advanced Notice of Proposed Rulemaking (“ANPRN”) that will be published soon. If you are interested in submitting a public comment addressing changes to the HOS regulations, you can, and should, do so at <https://www.regulations.gov> once the ANPRM is published, which should hopefully occur in the very near future.

We will continue to monitor this very important issue. If you have any questions, contact:

[Joseph W. Pappalardo](#)

[Timothy P. Roth](#)

[Robert D. Boroff](#)

Sixth Floor, Bulkley Building

1501 Euclid Avenue

Cleveland, Ohio 44115

(216) 241-5310

jpappalardo@gallaghersharp.com

troth@gallaghersharp.com

rboroff@gallaghersharp.com