



HUMAN PERFORMANCE FACTORS ATTACHMENT

Z & D Tours Safety and Operations Policies and Procedures Manual

Appendix B: Hours of Service

HWY20MH002

(10 pages)

APPENDIX B
HOURS OF SERVICE

Summary of Hours of Service Regulations

Passenger-Carrying CMV Drivers
10-Hour Driving Limit May drive a maximum of 10 hours after 8 consecutive hours off duty.
15-Hour On-Duty Limit May not drive after having been on duty for 15 hours, following 8 consecutive hours off duty. Off-duty time is not included in the 15-hour period.
60/70-Hour On-Duty Limit May not drive after 60/70 hours on duty in 7/8 consecutive days.

IMPORTANT HOS DATES AND INFO

On December 27, 2011, the Federal Motor Carrier Safety Administration (FMCSA) published the final rule changing the hours-of-service regulations. This article will take a look at the significant dates involved, as well as the significant changes (there were other minor changes that involved redoing existing paragraph numbers, changing the way other associated regulations are referenced, etc.).

February 27, 2012

This is the effective date of the rule. It is the date that the regulatory text changes become official. It is also the first compliance date. As of February 27, 2012, the following changes occur:

- ❖ **A special penalty is being added to Part 386 related to “egregious violations of the driving time limits.” If a driver is found to have driven more than 3 hours over the appropriate driving limit, the driver will be penalized \$2,750 and carriers \$11,000 for each violation. This change applies to both passenger and property carrying drivers and their carriers.**
- ❖ Time spent resting in a parked commercial vehicle can be logged as “off duty.” This does not apply to explosives haulers under any circumstances, as these drivers cannot log off duty, due to their attendance requirements. It also does not apply if the driver has any responsibility to the vehicle, cargo, or company, or is in any situation where he/she cannot walk away from the vehicle to pursue activities of his/her choosing (so waiting to load and unload still cannot be logged off duty). This change applies to both passenger and property carrying drivers and their carriers.

Z & D TOUR INC. POLICY FOR HOURS OF SERVICE AND LOG VIOLATIONS

Z & D Tour Inc. is firmly committed to safety and compliance of CFR 49, Part 395. The submission of accurate, legible, and violation-free daily logs is an integral part of this commitment and is expected of all professional drivers of commercial motor vehicles. Our goal is to achieve hours of service excellence, through establishing and achieving a violation-free standard for hours of service violations. All drivers of Z & D Tour Inc. are expected to conform to this standard. Z & D Tour Inc. will audit all daily logs and hours of service records to ensure compliance with the CFR 49, Part 395. It is the policy of Z & D Tour Inc. that no employee of Z & D Tour Inc. will schedule or assign a load without sufficient hours for the driver to complete the trip legally and will not permit any driver to, knowingly, exceed the ten (10), fifteen (15), sixty (60), or seventy (70) hour limits.

It is the policy of Z & D Tour Inc. that all Drivers comply with FMSCR 395, in its entirety.

Non-conformance with Z & D Tour Inc. hours of service policy will be considered a serious offense. Disciplinary action for log violations shall include but is not limited to:

1st Offense - Verbal Warning – Driver counseled

2nd Offense - Written Warning – Driver counseled and letter put in personnel file

3rd Offense - 1 day suspension without pay - Driver counseled and required to attend a log class and letter put in personnel file

4th Offense - 3 day suspension without pay - Driver counseled and required to attend a log class and letter put in personnel file

5th Offense - 5 day Suspension without pay - Driver counseled and required to attend a log class and letter put in personnel file

6th Offense - Termination

Violations found to be Flagrant or Willful may result in immediate termination of employment. The above disciplinary action will occur within any twelve-month period of time.

NOTE: Any violation older than 180 days will be removed from the driver’s personnel file.

I, the undersigned, have reviewed the Hours of Service policy of Z & D Tour Inc., and have received a copy of CFR 49, Part 395, in its entirety.	
Driver Name(print):	
Signature:	Date:

Z & D TOUR INC. HOURS OF SERVICE VIOLATION LETTER

Driver Name:	Date:
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On _____, you were found in violation of the federal regulations, CFR 49, Part 395. The specific violation was:

- 10 hour violation
- 15 hour violation
- 60/70 hour violation
- Fraudulent Log
- Speeding
- Log Book Not Current

It is the policy of Z & D Tour Inc. to take the following action:

- Verbal Warning**
- Written Warning**
- 1 day suspension without pay**
- 3 day suspension without pay**

Start Date:	End Date:
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- 5 day Suspension without pay**

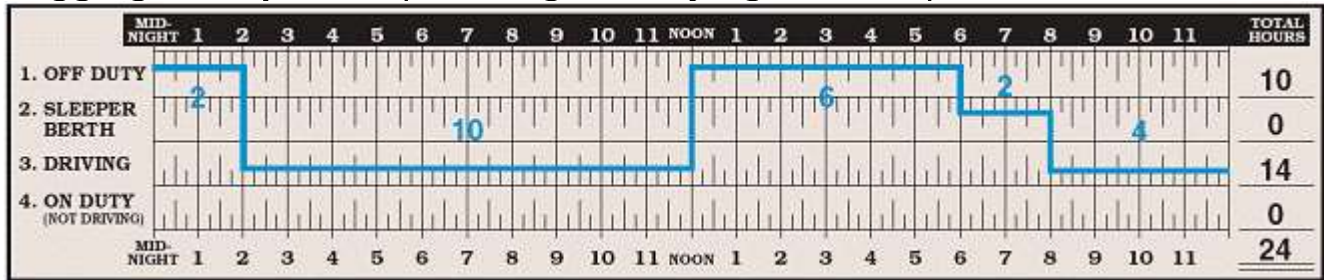
Start Date:	End Date:
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- Termination**

Driver Name(print):	
Signature:	Date:

Passenger Carrying Vehicles

Logging Example #1 (Passenger-Carrying Vehicles)



Violations: There are no violations.

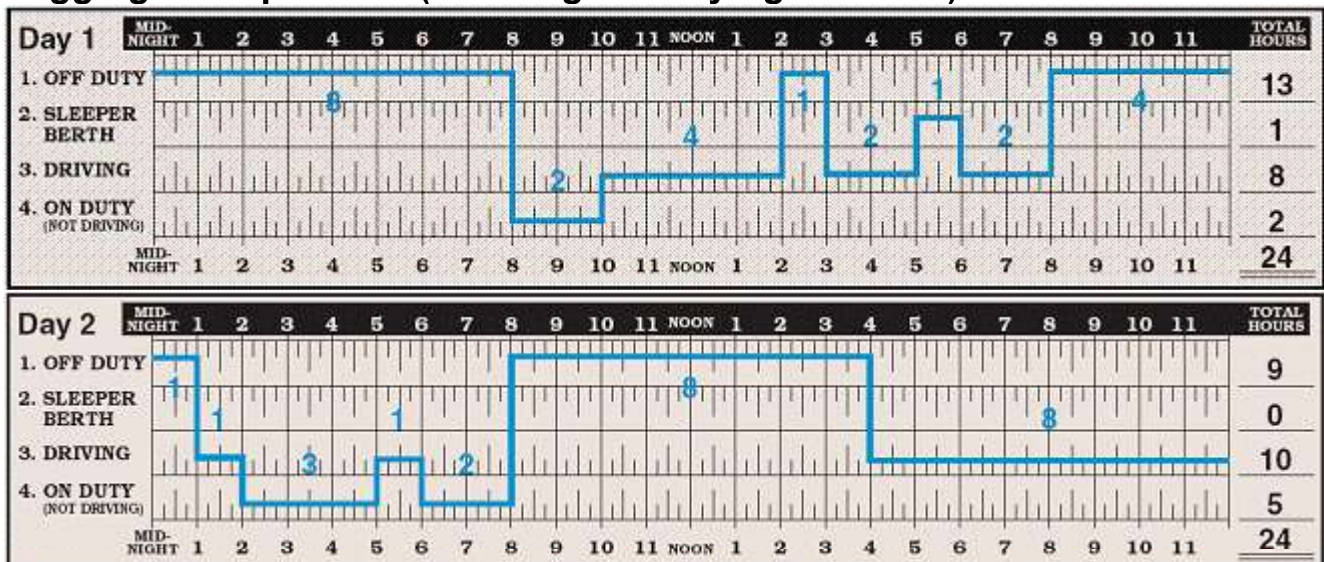
Explanation — 10-Hour Limit: After 8 consecutive hours off duty, the driver was eligible to drive for up to 10 hours beginning at 2:00 a.m., which the driver did. He or she then took another 8 consecutive hours off duty, giving the driver another 10 hours of driving time available.

NOTE: The 8-hour break can be any combination of off-duty and sleeper-berth time, as long as the time is all consecutive and not broken by any on-duty activity.

Explanation — 15-Hour Limit: After 8 consecutive hours off duty, the driver had 15 on-duty hours available at 2:00 a.m. By noon, the driver had used 10 of those hours. The driver then took another 8-hour break, giving him or her another full 15 hours available.

NOTE: The 8-hour break can be any combination of off-duty and sleeper-berth time, as long as the time is all consecutive and not broken by any on-duty activity.

Logging Example #2 (Passenger-Carrying Vehicles)



Violations: There are no violations.

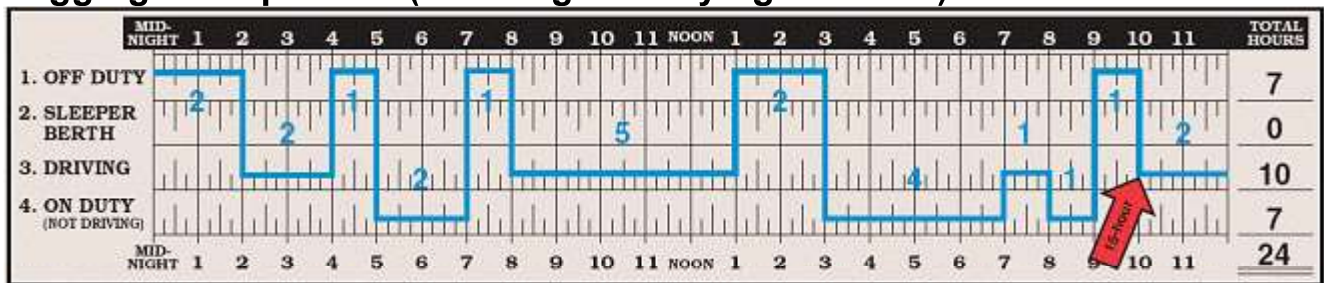
Explanation — 10-Hour Limit: After 8 consecutive hours off duty, the driver was eligible to drive for up to 10 hours beginning at 8:00 a.m. on Day 1. The driver reached the 10-hour driving limit at 6:00 a.m. on Day 2, when he or she stopped driving. The driver then took another 8 consecutive hours off duty, giving him or her another 10 hours of driving time available.

NOTE: Off-duty periods of less than 8 consecutive hours do not result in additional driving time.

Explanation — 15-Hour Limit: After 8 consecutive hours off duty, the driver, at 8:00 a.m. on Day 1, had 15 on-duty hours available during which to drive a CMV. By including only on-duty and driving time in this calculation, the driver reached the 15-hour limit (2 + 4 + 2 + 2 + 1 + 3 + 1 = 15) at 6:00 a.m. on Day 2, when he or she had to stop driving. At that point, the driver continued working for 2 hours, which is allowed as long as there is no more CMV driving. In order to return to driving, the driver needed at least 8 consecutive hours off duty, which was obtained by 4:00 p.m. on Day 2, at which point the driver again had 15 on-duty hours available (10 of which could be driving).

NOTE: Off-duty and sleeper-berth periods, no matter how short, are not included in the 15-hour calculation. In addition, a driver can continue to work beyond the 15-hour limit, as long as there is no more CMV driving.

Logging Example #3 (Passenger-Carrying Vehicles)



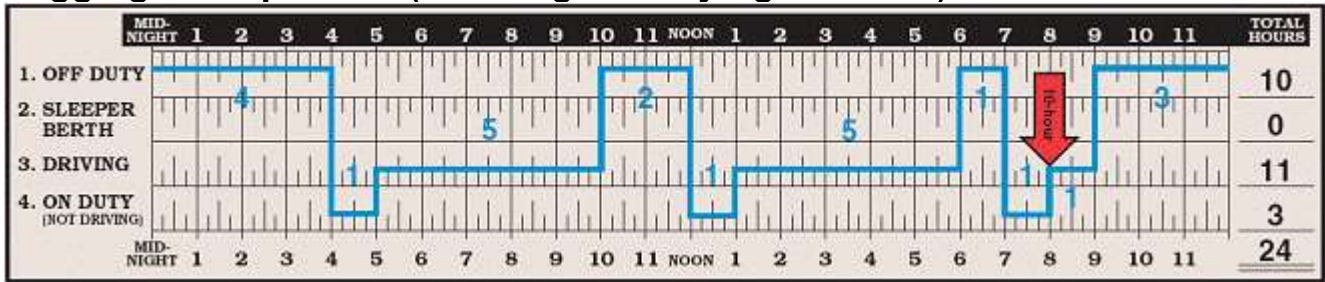
Violations: There is a 15-hour rule violation from 10:00 p.m. – midnight.

Explanation — 10-Hour Limit: After 8 consecutive hours off duty, the driver was eligible to drive for up to 10 hours beginning at 2:00 a.m. The driver reached the 10-hour driving limit at midnight, so there are no 10-hour rule violations on this log.

Explanation — 15-Hour Limit: After 8 consecutive hours off duty, the driver, at 2:00 a.m., had 15 on-duty hours available during which to drive a CMV. The driver accumulated 15 on-duty hours (including on-duty and driving time) by 9:00 p.m. The 15-hour rule was violated when the driver drove a CMV at 10:00 p.m. without first having another 8 consecutive hours off duty.

NOTE: Off-duty and sleeper-berth periods, no matter how short, are not included in the 15-hour calculation.

Logging Example #4 (Passenger-Carrying Vehicles)



Violations: There is a 10-hour rule violation from 8:00 p.m. – 9:00 p.m.

Explanation — 10-Hour Limit: After 8 consecutive hours off duty, the driver was eligible to drive for up to 10 hours beginning at 4:00 a.m. The driver reached the 10-hour driving limit at 8:00 p.m. and violated the rule by continuing to drive for another hour.

NOTE: The 2-hour off-duty period does not provide the driver with additional driving time.

Explanation — 15-Hour Limit: After 8 consecutive hours off duty, the driver, at 4:00 a.m., had 15 on-duty hours available during which to drive a CMV. The driver accumulated just 14 on-duty hours (including on-duty and driving time) by 9:00 p.m., so there were no violations.

NOTE: Off-duty and sleeper-berth periods, no matter how short, are not included in the 15-hour calculation.

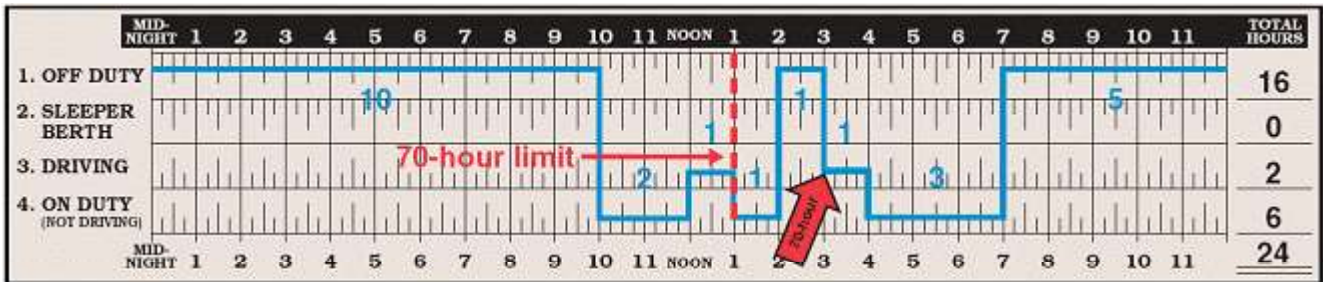
60/70-hour rule example (Property and Passenger-Carrying)

The 60- and 70-hour limits require drivers to stop driving a CMV upon accumulating 60 or 70 on-duty hours (including all on-duty and driving time) over a period of 7 or 8 consecutive days, respectively. Prior to the sample log grid shown below, suppose the driver, using the 70-hour limit, accumulated the following on-duty hours over 8 days:

Day	Hours
1. Sunday	0
2. Monday	10
3. Tuesday	8.5
4. Wednesday	12.5
5. Thursday	9
6. Friday	10
7. Saturday	12
8. Sunday	5
Total	67 hours

NOTE: Assume this driver’s “day” runs from midnight to midnight, as shown in the sample log below. Employers can choose their own start times for the “day,” but that time must be indicated on the log. Because the driver did not accumulate more than 70 on-duty hours over 8 consecutive days (Sunday – Sunday), he or she was in compliance with the 70-hour limit.

NOTE: A driver can *accumulate* more than 60/70 hours without being in violation, as long as no CMV driving is done after reaching the 60/70-hour limit. To determine how many hours are available for the next day, Monday, the driver has to check the 8-consecutive-day period from Monday to Monday. During that period the driver has accumulated 67 hours so far, and therefore only has 3 hours remaining during which to drive on Monday. Here is the driver's Monday log grid:



The driver reached the 70-hour limit at 1:00 p.m. after completing 3 on-duty hours. At this point, the driver should not have driven for the remainder of the day, but he or she violated the 70-hour rule by getting behind the wheel at 3:00 p.m. for one hour. At the end of the day on Monday, the new 8-day calculation looks like this:

Day	Hours
Monday	10
Tuesday	8.5
Wednesday	12.5
Thursday	9
Friday	10
Saturday	12
Sunday	5
Monday	8
Total	75 hours

After midnight, the driver enters a new day, Tuesday, and a new 8-consecutive-day period, from Tuesday to Tuesday. The 10 hours worked on the prior Monday (day #1 above) drop out of consideration. During this new 8-day period from Tuesday to Tuesday, the driver has accumulated 65 hours so far, and therefore has 5 hours during which to drive on Tuesday before again hitting the 70-hour limit.

NOTE: The 34 Restart provision does not apply to drivers of passenger carrying vehicles.