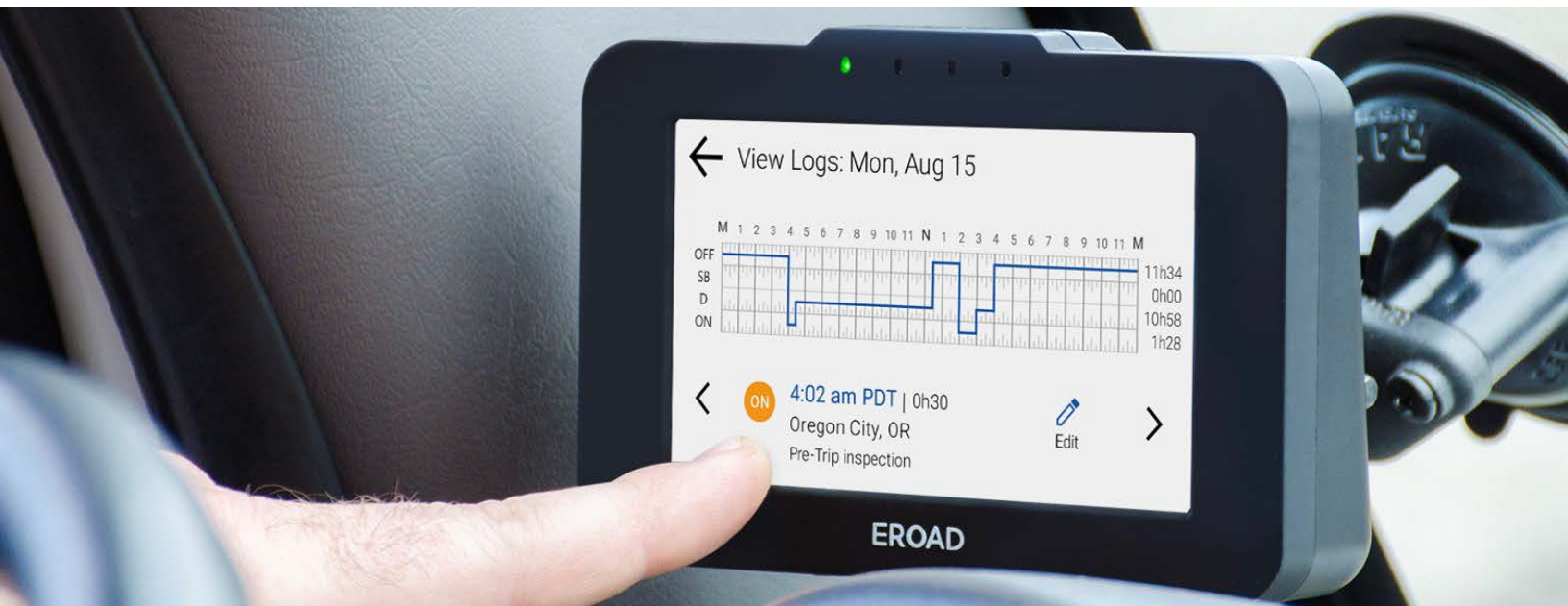




**EROAD**



## EROAD BRIEFING

# Research and Comment on FMCSA HOS Flexibility

## INTRODUCTION

EROAD is a leading technology supplier to the transportation industry delivering commercial fleet management, and independently verified and compliant ELD and electronic tax solutions to commercial motor carriers and drivers. Headquartered in Portland, Oregon, EROAD works closely with fleets and drivers to support accurate and reliable capture of vehicle and driver data that enables better compliance, safety and efficient operations.

EROAD actively engages with its customers and the wider transportation community and understands that there are challenges with the current HOS regulations. ELDs, which monitor and record more accurate drivers' hours, can be leveraged for a better understanding of how drivers encounter their daily shifts and the impact of the regulations on operational efficiencies, driver well-being and safety.

With this submission, EROAD aims to provide insights from the aggregated and anonymized ELD data along with operational context from the voice of the drivers and carriers that operate on our roads today.

# METHODOLOGY

On August 23, 2018, FMCSA announced that it is seeking public comment on revising four specific areas of current HOS regulations, which limit the operating hours of commercial truck drivers. This is an opportunity for industry to provide input, research and perspectives on areas for which the agency is considering changes.

<b>Short-haul operations</b>	Should the window for short haul drivers be extended from 12 to 14 hours?
<b>Adverse driving conditions</b>	Should the adverse condition exception be expanded to include the 14 hour work day window?
<b>30 minute break</b>	Is the 30 minute rest break necessary; should it be eliminated?
<b>Split sleeper berth</b>	Are there alternatives that would make the sleeper berth options more effective?
<b>Petitions</b>	OOIDA requests for flexible 14 hour on-duty limitation; and TruckerNation requests for flexibility with 10 hour off duty.

To provide further contextual input to FMCSA regarding HOS flexibility and represent the experiences and viewpoints of our customer base and industry, EROAD took the following steps to gather relevant data:

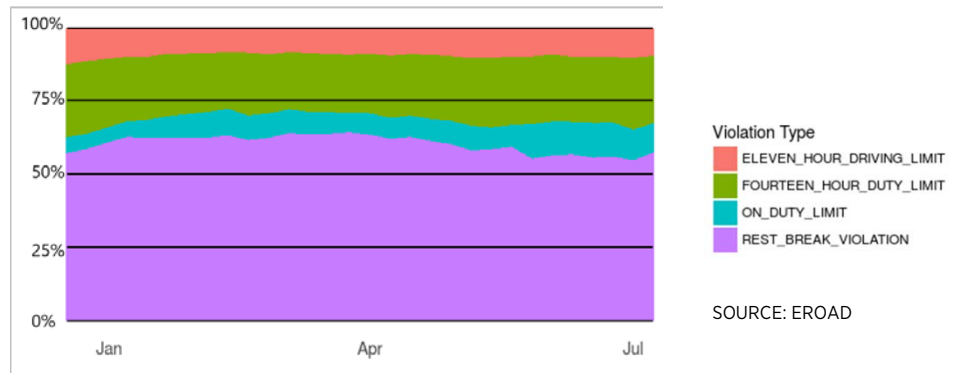
- **Statistical Analysis of Aggregated/Anonymized Data from the EROAD Customer Base**  
EROAD analytics team performed analyses on millions of data points from trips taken by US-based vehicles and drivers from January 1, 2018 through July 31, 2018, examining patterns of FMCSA violations in relation to violation type, frequency, and time in violation.
- **Survey of EROAD Customer Base**  
Based on the questions provided by FMCSA for public comment on HOS flexibility, EROAD sent a survey to its customer base and to other fleet operators to seek context regarding HOS violations and the conditions that cause those situations. 154 fleet operators responded to the survey, with an average fleet size of 26 vehicles.
- **HOS Flexibility Roundtable Webinar**  
EROAD hosted an open roundtable webinar in which the data from the statistical analysis and the survey were discussed. Additional commentary regarding HOS flexibility was captured during this session.

# SUMMARY OF EROAD ELD DATA ANALYTICS

## HOS Violations by Type

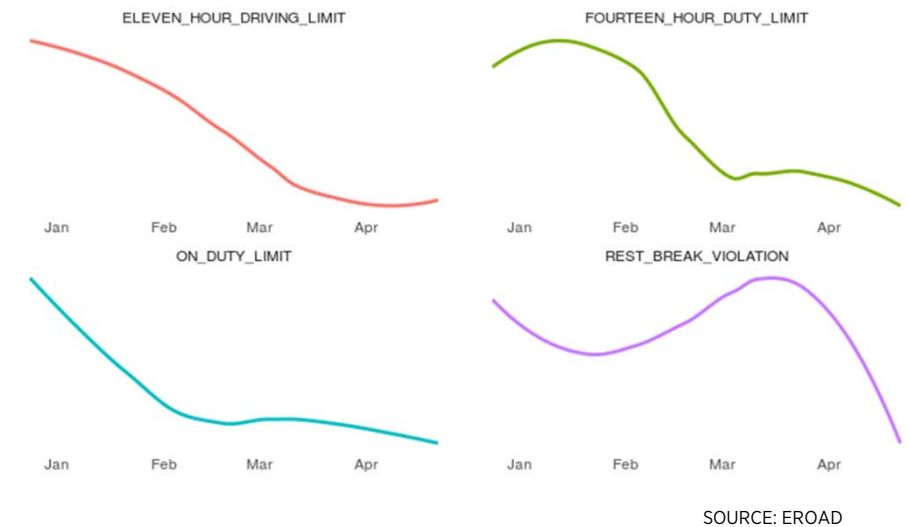
The proportion of HOS violations remains fairly consistent since the mandate was introduced.

30-minute rest break is the most common violation type followed by the 14-hour driving window.



## Average Time in Violation

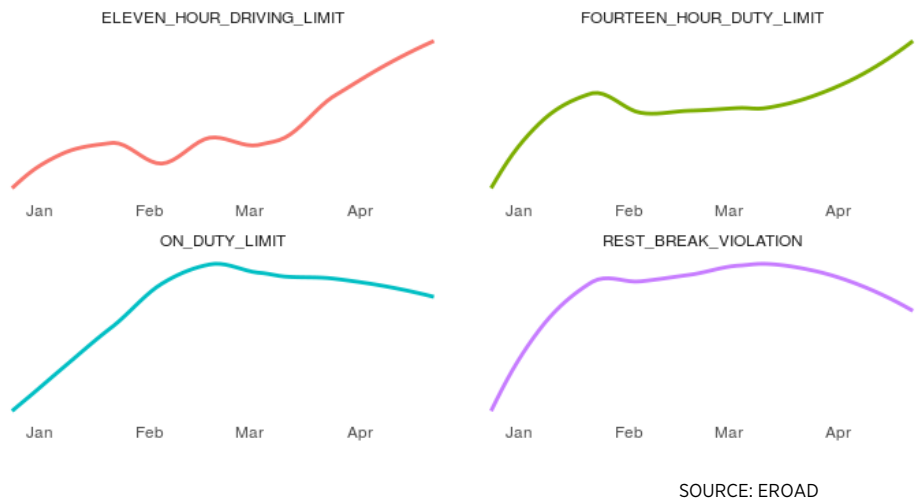
EROAD data indicates that average time spent in each violation is reducing over time. This is likely due to more training and drivers adjusting to restrictions with ELDs.



## Violations per Driver

The number of violations per driver is increasing for 11-hour and 14-hour violations. Conversely, the 30-minute break and duty-cycle violations are reducing.

This could be due to better training as drivers come on board, or that ELDs are now recording driving and on-duty time more accurately and showing true capacity.



# EROAD FLEXIBLE HOS SURVEY RESULTS

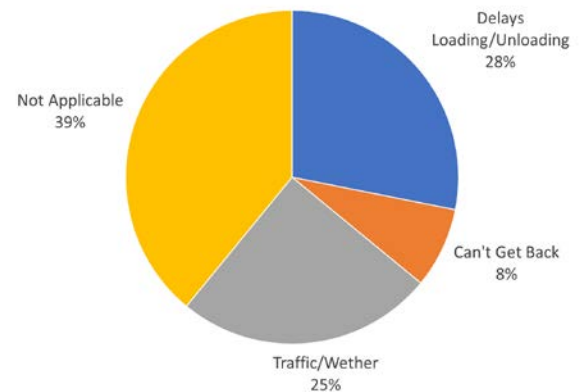
## FMCSA Provision: Short Haul Operations

### QUESTION:

“What are the situations or conditions that cause your drivers to operate outside of the current 12-hour limit period for the short haul exemption? How frequently do you encounter these situations?”

For fleets that apply the short haul exemption, the most common situations or conditions that lead to a driver exceeding the short haul 12-hour limit are:

- delays at shipper or receiver to load/unload
- traffic congestion including accidents on the roads
- occasional weather – frequent in fall and winter



*“Hung up at shipper or receiver. Daily”*

**Brad, S & M Trucking**

*“Weather, traffic or just a long day on a job.”*

**Jeff, Bar Steven A**

*“Loading and unloading, 70% of the time.”*

**Louis, Sedita Trucking Inc**

*“Loading or unloading can take several hours and are an on-duty event, which is wrong since the truck is not moving & the driver is NOT actually driving. This causes the driver's actual driving hours to decrease, which creates problems for drivers. Which also creates issues with delivery times, this happens more than 3 times a week.”*

**James, MOFCO Logistics LLC**

### QUESTION:

How have you changed your operations to meet the 12-hour limit period for the short haul exemption?

We received fewer responses to this question, but inputs show fleet operators adjusting operations, incurring costs to add drivers, or turning down work to ensure drivers remain within the short haul exemption criteria. For some carriers, what makes drivers exceed the limit is outside of the their and their drivers' control. As a result, when the driver exceeds, they adjust to keeping RODS.

*“Added drivers, quit doing business with customers that don't respect the driver's time.”*

**Melanie, Super K Express**

*“I have to drive faster now and use more fuel.”*

**Lori Lynn, The Lords Highway Inc**

*“We use the short haul when it works and we don't when it doesn't”*

**Stephanie, Morgan Industrial**

*“Can't change [anything]. As a carrier, you depend on every [person] behind a desk to process your paper work.”*

**Alipio, Alipio Montano**

*“We have discussed with the airlines, but they changed their system to run two separate crews to stay within their HOS. We do not have that option with our small system. It is hard to keep part time drivers as it is.”*

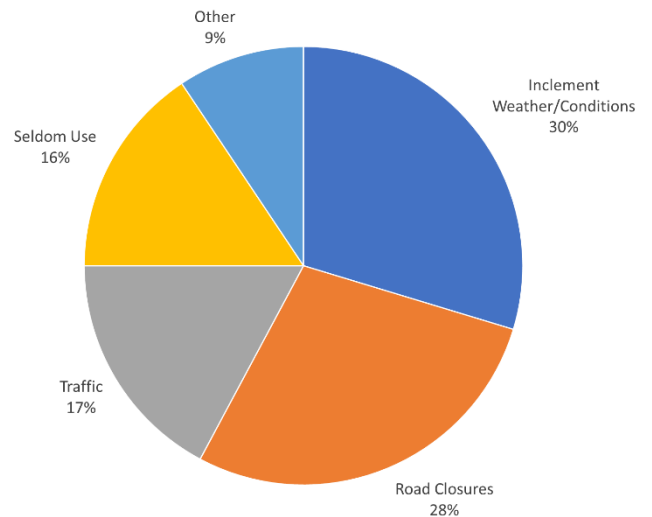
**Donald, Donald J Laughlin**

## FMCSA Provision: Adverse Driving Conditions

### QUESTION:

How often does your drivers apply the adverse condition exception and still run into the 14-hour driving window violation?

Survey results indicate that some carriers and drivers never or seldom use the adverse condition exception. Where allowed, drivers seem to apply the adverse condition exception mostly during the winter season when they more frequently encounter inclement weather. The challenge is that the 14-hour runs out before the allowed 13 hours of driving.



*"Several times a week [we are] dealing with major city traffic and road work."*

**Melanie, Super K Express**

*"All the time! 14 hours run out before the allowed 13 hours of driving."*

*"We don't encourage [use of adverse conditions]. By the FMCSA definition, adverse conditions include road or traffic delays that are "unforeseen at the time of dispatch", those are almost a given. Is rush hour traffic "unforeseen"? We need the flexibility to stop/pause the 14-hour clock, to avoid the "adverse". Same with weather. Would it not be 'safer' to pull off in heavy rain, or wait for snow to be removed, or just push on and hope conditions improve and not lose your available hours?"*

**Henry, Callaway Carriers Inc**

*"Almost every trip through Wyoming in the winter, you are either on one side of a storm or the other. I would rather keep ahead of a storm than stop in the middle of it anytime."*

**Tom, Noel Transport LLC**

*"Unexpected traffic issues are the biggest thing right now. We do our best to plan for traffic, but it is very easy to get burnt."*

**Glen, Marauder Inc**

*"This varies depending on the time of year. There are several incidents (2-5 per week) where drivers run into weather conditions that cause 14-hour violations."*

## FMCSA Provision: Split Sleeper Berth

### QUESTION:

How can ELD data be used to support a more flexible split sleeper berth rule?

Most respondents point out that ELDs can support additional flexibility by capturing the events in the driver's day more accurately and helping carriers to better manage schedules and fatigue. Some respondents point out that while ELDs capture time, they do not capture fatigue.

*"If the idea is 'rested & alert' drivers behind the wheel, the 14-hour clock needs to allow drivers to stop [to] let the driver determine his rest periods when they are needed, not [based on] the pressure of the current rule. The ELD would still track the overall drive and rest time accurately."*

**Henry, Callaway Carriers Inc**

*"ELD data can show when drivers are at shipper/receiver and having to sit in line to load/unload, as many times they're in a staging area. Parking problems alone should support flexible sleeper berth rules. The GPS on ELD's should help with flexibility. Notations showing the number of issues that show driver off duty at shops for repairs, waiting to load/unload, adverse weather that forces drivers off the road before they're ready, and other reasons just due to being on the road away should help with split sleeper."*

*"I think the data would be helpful if [it helps clarify] that all drivers are NOT the same. Some of our guys like to stop and take an hour nap, it helps them to stay alert, this would be better than forcing drivers to drive because of the hour rules."*

*"Electronic devices cannot mimic the human body. People, not computers, should be making decisions when they need to rest."*

**Mike, Potratz Ventures LLC**

### QUESTION:

How could the split sleeper berth rules be changed to better reflect driver fatigue as well as operational realities?

Survey results indicate strong consensus that a professional driver should be able to determine when they need to take a rest break and manage their fatigue. Comments highlight that drivers may be making difficult tradeoffs between managing fatigue and dealing with operational challenges, including traffic, shipper delays, and difficulties finding safe parking areas. Respondents argue that with more flexibility, it may allow drivers to operate more efficiently and with less fatigue.

*"When a driver gets tired he should sleep, we are not robots. Can't sleep when ELD tells us to."*

**Gary, Lynn H. Scott Inc.**

*"Company and driver know best when and where to apply this. Just setting a set time each day doesn't help any situation and the lack of safe parking plays a HUGE factor."*

*"These are professional people we're talking about here....no other segment of industry has the unreasonable limits placed on its workers as does trucking. Flexibility should be an expected right, not a fought for rule."*

*"It would allow a driver to make decisions based on his own situation. If he felt tired, he could stop and get himself refreshed. Now he has to go no matter what to make pick-up and delivery deadlines. He has to drive into peak traffic and do the best he can, often increasing fatigue, rather than stopping and waiting it out. You could also stop and wait out a storm, rather than driving into unsafe conditions so that you don't run out of clock."*

**Glen, Marauder Inc**

*"Go back to 8/2, 7/3, 6/4 or 5 and 5. Or less. Nobody needs mandatory 10 hours off work to effectively do their job."*

**Lori Lynn, The Lords Highway Inc**

*"Flexibility would end the 'insanity' of trying to time arrivals to conserve drive time. Let the drivers chose safe parking, go back to planning around traffic, and not planning the clock."*

**Henry, Callaway Carriers Inc.**

*"HOS rules should be amended to a driver having a 16-hour day, structured as needed. Up to 14 hours of that 16 allowable as driving, keeping the 70-hour hours limit in place. Sleeper berth time could be split into two 4-hour consecutive segments, with an 8-hour consecutive segment required every other day. Restart of 70-hour clock could be achieved by taking a 34-hour break, as it is now."*

*"All drivers to split realistically. 2/8, 3/7, 4/6 or 5/5 so they can control when to rest when their body is telling them to. Drivers should have control over being able to rest when they need it without the regulations forcing them to choose between resting and making money or getting home to their family. They should be allowed both."*

## FMCSA Provision: 14-hour Driving Window

### QUESTION:

What operational benefit do you see in extending the 14-hour driving window by accounting for off-duty breaks? For example, if a driver took an off duty break for an hour, the 14-hour window gets extended by that hour.

A large majority of respondents agree that extending the 14-hour driving window by accounting for off-duty rest breaks would be beneficial. A few respondents were less enthusiastic about the impact.

*"It would increase our flexibility quite a bit. I would support that change."*

**Chris, Gly-Tech Svc Inc**

*"It will definitely be beneficial to driver because the drivers won't feel pressure to get to their destination in order to meet the 14-hour windows after the break hour has been reduced."*

**Jose, JZA Trucking**

*"Customers hold us in the dock for several hours, especially on multiple stop pick-ups or deliveries. This extension would allow us to be more efficient, make drivers happier to keep them moving."*

**Stewart, Dutch Maid Logistics Inc**

*"This would allow drivers to rest when he feels the need not when someone or his ELD is telling him to. There are times when coming into rush hour traffic that a driver may stop for a break vs driving in heavy traffic. If the driver is tired and needs a break, he will take it instead of trying to push on. He won't be as rushed to get finished because of his 14-hour clock. There is concern that shippers and receivers may take advantage of this time. Maybe it's time to bring them into the picture, since now they have no skin in the game."*

**Gale, Golden Plains Trucking Inc**

*"There will be fewer violations and less stress on drivers to make deliveries on time. Less stress creates a positive environment [and] reduces human error & fatigue!"*

**James, MOFCO Logistics**

## FMCSA Provision: 30-minute Rest Break

### QUESTION:

If the 30-minute rest break did not exist, how would your drivers obtain adequate rest breaks during a daily driving period?

A significant majority of respondents believe that leaving it up to the driver's discretion would lead to adequate rest breaks throughout the day. Forcing breaks when and where they are not optimal causes additional issues with traffic delays, finding safe parking and more.

*"This 'rule' has created a nightmare in fuel lanes at truck stops as compliance has replaced common courtesy. Drivers block lanes because ELD will start again if they move. Do we really think they would not stop during the day as they deem necessary?"*

**Henry, Callaway Carriers Inc**

*"Any off-duty time reflects that the driver has been resting. [The 30-minute rest break rule] forces drivers to take a break when is not needed."*

**Alipio, Alipio Montano**

*"Drivers would be able to use the more frequent, shorter breaks they currently encounter. Our drivers do not drive for hours on end. They stop, get out of their trucks, visit at loading and unloading locations, etc."*

**Hedie, Boshart Trucking Inc**

*"Everyone wants a break, [but] how many trucks do you see on side of road taking all 30 minutes? Many drivers want to stop when they want to. The countdown counter to take a break when going through a large city - so much stress from that."*

**John, John Kapp**

### QUESTION:

How can ELD data be used to support an alternative to the 30-minute rest break?

Respondents indicated that ELD data supports the number of breaks drivers are already getting during the day through stops for fuel, repairs, and loading and unloading. Additional short breaks as needed can be managed by the driver and not cause additional compliance and operational issues.

*"I think you can show that the driver needs to get out of the cab more often for his or her own health."*

**Kraig, Seneca Foods LLC**

*"It shows that driver takes breaks anyhow. Other than the 30 min mandatory break!"*

*"By showing that drivers take breaks throughout the day and typically aren't driving 11 hours straight anyway! Getting fuel and restroom breaks accounts for a lot of time."*

