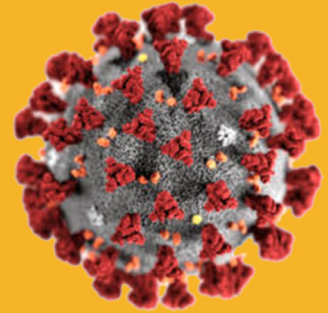




# **TEAMSTERS**

## **SAFETY & HEALTH**

### **Coronavirus**



## **EMERGENCY DECLARATION**

## **FMCSA HOURS OF SERVICE CHANGE**

### **Coronavirus Pandemic**

### **(COVID-19)**

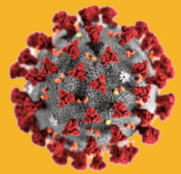
(Updated March 27, 2020)

#### **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

#### **Emergency Declaration to Suspend the Hours of Service Rule**

Effective March 13, 2020, and amended on March 18, 2020, the Federal Motor Carrier Safety Administration (FMCSA) issued a nationwide emergency declaration to provide regulatory relief for commercial motor vehicle operations providing emergency relief in response to the Coronavirus pandemic. The Emergency Declaration to suspend the Hours of Service Regulation provides regulatory relief to commercial vehicle operations that transport goods as detailed below.

- Medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19.
- Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants.
- Food, paper products and other groceries for emergency restocking of distribution centers or stores.
- Immediate precursor raw materials—such as paper, plastic or alcohol—that are required to be used for the manufacture of essential items.
- Equipment, supplies, and persons who are necessary to establish and manage temporary housing quarantine.
- Persons designated by federal, state or local authorities for medical, isolation, or quarantine purposes. Persons are necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response.
- Fuel.



## **HOURS OF SERVICE (HOS) REGULATIONS AND THE EMERGENCY DECLARATION**

The emergency declaration will affect drivers' "on-duty" time pursuant to Part 395 of the federal regulation. The daily maximum **driving time of 11 (property)/10 (passenger)** carrying hours is **suspended**, as is the requirement to take a **30-minute rest break** during the work shift. Also, the **weekly maximum duty times** of 60 hours in 7 days or 70 hours in 8 days are **suspended**. However, once the direct assistance to emergency relief efforts ends, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. If the driver, however, informs the motor carrier that he or she needs immediate rest, the driver must be **permitted at least 10 consecutive hours off duty** before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or the driver's normal reporting location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

### **FREQUENTLY ASKED QUESTIONS (FAQS)**

- 1. How should a shipper denote a shipment as being in support of pandemic emergency relief efforts?**

**Response:** Shippers should mark the shipment as an emergency by placing an emergency label on the bill of lading.

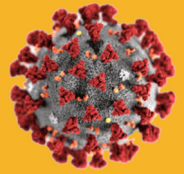
- 2. Is there a waiver the motor carrier must attain?**

**Response:** There is no waiver that the carrier must attain. The federal waiver preempts any state emergency waiver. If there is any issue entering or exiting a quarantine area carriers should notify FMCSA.

- 3. Are there operations or carriers that may not utilize the emergency declaration?**

**Response:** Drivers that are transporting routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief are not qualified to utilize the emergency declaration.

**Response:** Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.



The following FAQs have been adapted from FMCSA's website<sup>1</sup>

4. **Are loads that include supplies related to direct assistance under the emergency declaration mixed with other, un-related materials covered under the declaration?**

**Response:** Generally, yes, however, mixed loads with only a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration are not covered.

5. **Is a driver required to take a 30-minute break?**

**Response:** No, none of the hours of service regulations apply while the driver is engaged with providing direct assistance under the emergency relief exemption.

6. **How do the hours a driver worked under the emergency exemption impact the 60/70-hour rule when the driver goes back to normal operations?**

**Response:** The hours worked providing direct assistance under the emergency relief exemption do not count toward the 60/70- hour rule.

7. **Is a 34-hour restart required after providing direct assistance under the emergency declaration?**

**Response:** No, however, upon completion of the direct assistance and before returning to normal operations, the driver is required to meet the requirements of §§ 395.3(a) and (c) and 395.5(a), which include, for example, the requirement to take 10 hours off duty (8 hours for passenger carriers) and to comply with the on-duty limit of 60/70 hours in 7/8 days before returning to driving.

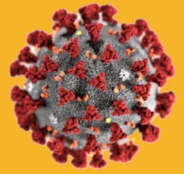
8. **Is the driver required to use a paper logbook or ELD?**

**Response:** No, the emergency exemption includes relief from all the hours-of-service regulations in 49 CFR part 395, including the recordkeeping requirements (i.e., records of duty status (RODS)).

9. **If there is an ELD in the truck, what should a driver do to account for the miles driven?**

**Response:** There are three options: 1. Use the "authorized personal use" (personal conveyance) function of the ELD to record all of the time providing direct assistance under the exemption. The use of this function will result in the time being recorded as off duty and requires an annotation. 2. Use the ELD in its normal mode and annotate the ELD record to indicate they were driving under the emergency relief exemption; or 3. Turn off the ELD, in which case the carrier would address the unassigned miles following the current regulation.

<sup>1</sup> Federal Motor Carrier Safety Administration; <https://www.fmcsa.dot.gov/emergency/frequently-asked-questions-related-fmcsa-emergency-declaration-03192020>



**10. What does a driver need to do if taking a backhaul not covered by the exemption after transporting an exempt load?**

**Response:** Upon completion of the direct assistance activities and before returning to normal operations, the driver is required to take 10 consecutive hours off duty before driving. All the time the driver spends engaged in work-related activities that are not associated with providing direct assistance must be counted under the HOS rules.

**11. Is livestock a covered commodity under the terms of the emergency declaration?**

**Response:** Yes, Livestock is covered as a precursor to food. The emergency declaration covers “immediate precursor raw materials—such as paper, plastic or alcohol—that is required and to be used for the manufacture of items” including food needed for the emergency restocking of stores.

**12. Are haulers of household waste and medical waste covered under the terms of the declaration?**

**Response:** Yes, transportation for removal of both household and medical waste is covered as “supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19.

**13. What documentation is needed to verify that the driver is operating under the exemption?**

**Response:** There is no specific documentation required for verification. Retention of ordinary business records, such as the bill of lading, may be useful later for the convenience of the motor carrier and driver, to document the use of the exemption during a future inspection or enforcement action.

**14. Does FMCSA have preemptive authority over states that decide/attempt to close highway rest stops?**

**Response:** No, however, FMCSA is working closely with the States to ensure adequate truck parking and facilities are available.