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FMCSA Releases Proposed Changes to HOS Rules



August 16th, 2019

UPCOMING EVENTS:

CVSA's Brake Safety Week is Sept. 15-21st



The Federal Motor Carrier Safety Administration (FMCSA) released its much-anticipated proposed changes to the hours-of-service (HOS) rules Wednesday, announcing five revisions for commercial motor vehicle (CMV) drivers.

Responding to industry stakeholders' requests for more flexible HOS conditions, FMCSA in August 2018 started seeking public feedback on portions of the HOS rules and forwarded its proposal to the White House's Office of Management and Budget in March.

Based on the 5,200 comments received from public feedback in 2018, FMCSA on Wednesday announced five proposed revisions to the existing rules. Read on for a description of the changes.

1. Changes to the 30-minute break rule

Explanation: The proposed rule would increase flexibility for the 30-minute break rule by requiring the break to prevent eight consecutive hours of driving time without an interruption for at least 30 minutes and allowing the break to be satisfied with on-duty, not driving time.

Implications: Taking a break from several consecutive hours of driving is critical to avoid fatigue, highway hypnosis, and potential health issues, such as deep vein thrombosis. Carriers should already be managing driver fatigue by encouraging breaks from driving above the minimum requirements. Several industry and company-specific exceptions may no longer be needed if the change, as proposed, is in the final rule.



The Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week is scheduled for Sept. 15-21.

Throughout that week, enforcement officials will conduct roadside safety inspections on commercial motor vehicles throughout North America. Vehicles with critical brake violations, or other critical vehicle inspection item violations, will be restricted from traveling until those violations are corrected. Vehicles without critical vehicle inspection item violations are eligible to receive a CVSA decal indicating that the vehicle passed inspection.

During this year's Brake Safety Week, inspectors will be paying special attention to brake hoses/tubing. While checking these brake system components is always part of the North American Standard Inspection Program, CVSA is highlighting brake hoses/tubing as a reminder of their importance to vehicle mechanical fitness and safety.

2. Modifying the split sleeper-berth exception

Explanation: Modifying the sleeper-berth exception would allow drivers to split their required 10 hours off-duty into two periods, with neither period counting against the driver's 14-hour driving window. The two periods would need to include:



- One of at least seven consecutive hours in the sleeper berth; and
- Another period of not less than two consecutive hours, either off-duty or in the sleeper berth.

Implications: This change allows drivers to adjust their breaks to offset delays and expected rush-hour traffic due to both off-duty periods pausing the 14-hour clock and extending the window in which up to 11 hours of driving can be completed. Previously, only a minimum eight-hour sleeper-berth period would pause the 14-hour clock.

While the split-sleeper change can allow additional flexibility, drivers and carriers need to be careful if this proposed change becomes final. The frequent use of a split-sleeper exception causes a driver to eventually sleep outside of his or her usual time for sleep. Maintaining a sleep cycle in concert with a driver's circadian rhythm is essential to driving safety and obtaining restorative rest.

3. Off duty break

Explanation: The rule would allow one off-duty break of at least 30 minutes, but not more than three hours, that would pause a truck driver's 14-hour driving window. For this to work, the driver would have to take 10 consecutive hours off-duty at the end of the work shift.

Implications: This exception extends the 14-hour driving window to up to 17 hours and provides additional flexibility to offset delays. The benefit of the off-duty period may cause drivers to avoid speeding or rushing to get to their next customer or break location. The downside is the driver could be driving in a much longer driving window (up to 17 hours) without restorative rest. Carriers must be cautioned to avoid pressuring or harassing drivers to operate the vehicle when the driver is ill or fatigued. A 17-hour workday is a long day within which to maintain sharp driving skills and attention.

4. Adverse driving conditions exception



Explanation: To modify the adverse driving conditions exception by extending by two hours the maximum window during which driving is permitted.

Implications: The current addition of two hours of driving in a 14-hour window does not add much flexibility since the driver must complete 13

hours of driving in the 14-hour window. This adjustment would better reflect the impact of

Register Now to Attend an Idealease/NPTC Safety Seminar This Fall!



The fall schedule has now been released. Join us at a safety seminar in August, September or October to hear the latest updates on regulations and compliance.

Fall 2019

8/21/2019	San Leandro, CA
9/10/2019	Chattanooga, TN
9/11/2019	Chattanooga, TN
9/12/2019	Nashville, TN
9/17/2019	Louisville, KY
9/18/2019	Green Bay, WI
9/19/2019	Springfield, IL
10/3/2019	Erie, PA
10/8/2019	Chicago, IL
10/8/2019	Everett, WA
10/9/2019	Eugene, OR
10/15/2019	Reno, NV
10/22/2019	Salt Lake City, UT
10/23/2019	Lexington, KY
10/23/2019	Modesto/Turlock, CA

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2019.

The one-day seminar this year will focus on new safety technologies available on trucks today, basic safety and compliance, regulation changes and CSA.

The seminars will be provided to all Idealease customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals. To register for an upcoming seminar in the Fall of 2019 click on the below link:

<http://www2.idealease.com/e/36492/safety-seminar-registration/5nrx4b/736538923?h=UI0TinzA8DKbVG86aAU9PdH->

adverse condition delays by adding two hours of driving and two hours to the driving window.

5. Short-haul exception

Explanation: To change to the short-haul exception available to certain commercial drivers by lengthening the drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

Implications: The proposed modification to the 100 air-mile exception allows drivers of commercial driver's licensed (CDL) vehicles two additional hours to complete their workday and a much wider area within which to operate. This change would:

- Reduce differences between the CDL and non-CDL short-haul exceptions,
- Reduce the need for several industry and company-specific exceptions, and
- Decrease the complexity of managing an exception to using electronic logging devices (ELDs).

The so-called "8-in-30" exception allows drivers to log on paper eight days in any 30-day period and still remain exempt from using an ELD. If a current 100 air-mile CDL vehicle exceeds 100 air miles or exceeds a 12-consecutive hour workday, the driver must create a log for the day. If a driver has to log more than eight times in the prior 30 days, the driver must log on an ELD. This proposed change could greatly reduce the logging days in any 30-day period.



Industry stakeholders may comment on the proposed rules for 45 days upon publication in the Federal Register.

Comments can be submitted to the federal eRulemaking portal regulations.gov at Docket No. FMCSA-2018-0248.

Following the commentary period, FMCSA will again consider those comments before issuing a final rule. It previously said it hopes to finalize the rule before the December 16, 2019, electronic logging device (ELD) deadline, but the process is likely to take much longer.

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Are Your Drivers Ready for Brake Safety Week?

On May 15, 2019, CVSA's law enforcement members conducted 10,358 commercial motor vehicle inspections focused on identifying brake system violations. Of those inspections, 16.1% of vehicles had brake-related critical vehicle inspection items. Those 1,667 vehicles were placed out of service until the violations could be corrected.

CVSA-certified enforcement personnel will again be conducting roadside inspections on commercial motor vehicles (CMVs) as part of the Commercial Vehicle Safety Alliance's (CVSA) Brake Safety Week, Sept. 15-21, in order to identify and remove CMVs with critical brake violations from our roadways and to call attention to the dangers of faulty brake systems.

Properly functioning brake systems are crucial to safe CMV operation. Brakes must be routinely inspected and carefully and consistently maintained so they operate and perform to the manufacturer's specifications throughout the life of the vehicle. Improperly



installed or poorly maintained brake systems can reduce braking efficiency, posing serious risk to public safety on our roadways.

Data and research are clear:

According to the U.S Department of Transportation's Federal Motor Carrier Safety Administration's [Large Truck Crash Causation \(LTCC\) Study](#), 32.7 percent of large trucks with pre-crash

violations had brake problems.

- Brake-related violations comprised the largest percentage of out-of-service vehicle violations cited during [last year's International Roadcheck](#).
- The LTCC Study's relative risk analysis indicated that large trucks involved in a crash where the braking capacity of the truck was critical were 50 percent more likely to have a brake violation than were trucks involved in crashes where the truck's braking capacity was not critical.
- According to the LTCC Study, of the trucks involved in brake-critical crashes, 45.5 percent had brake violations, compared with 29.9 percent of trucks involved in crashes of the same type where the braking was not relevant.
- Results from [last year's Brake Safety Day](#) found that 14 percent of all inspections conducted during that one-day brake safety initiative resulted in a CMV being placed out of service for brake-related violations.

Brake Safety Week aims to reduce the number of crashes caused by poorly maintained braking systems on CMVs by conducting roadside mechanical fitness inspections and removing dangerous vehicles from our roadways.



In addition to inspections and enforcement, outreach efforts by law enforcement agencies to educate drivers, mechanics, owner-operators and others on the importance of proper brake maintenance, operation and performance are integral to the success of the safety initiative.

During Brake Safety Week, inspectors will primarily conduct the [North American Standard Level I Inspection](#), which is a 37-step procedure that includes an examination of driver operating requirements and vehicle mechanical fitness. Inspections conducted will include inspection of brake-system components to identify loose or missing parts; air or hydraulic fluid leaks; defective rotor conditions; measurement of pushrod travel; mismatched air chamber sizes across axles; air reservoir integrity and mounting; worn linings, pads, drums or rotors; required brake-system warning devices; and other brake-system components. Vehicles with defective or out-of-adjustment brakes will be placed out of service.

In addition, in the 12 jurisdictions using [performance-based brake testing \(PBBT\)](#) equipment, vehicle braking efficiency will be measured. PBBTs measure the cumulative brake force for the entire vehicle and divide it by the total vehicle weight to determine overall vehicle braking efficiency. The minimum braking efficiency for trucks is 43.5 percent, required by [393.52 of the U.S. Federal Motor Carrier Safety Regulations](#) and the [CVSA North American Standard Out-of-Service Criteria](#).

Brake Safety Week is part of the [Operation Airbrake Program](#), sponsored by CVSA in partnership with the Canadian Council of Motor Transport Administrators and the U.S. Department of Transportation's Federal Motor Carrier Safety Administration.

What You May Not Know About Brake Systems and Inspections

[Automatic brake adjusters are required](#)
[How to verify that your ABS is working](#)
[What is your regulation brake stroke limit?](#)
[How to identify chaffed or worn hoses](#)
[What is a PBBT inspection?](#)



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