Restrictions on Use of HOS Restart to Remain Suspended

The Consolidated Omnibus appropriations bill signed by the President on Friday will most likely extend the suspension of enforcement of the two restrictions on the use of the 34-hour restart (must include two 1 a.m. – 5 a.m. periods and can only be used once every 168 hours) that were originally effective July 1, 2013. Enforcement was initially suspended on December 16, 2014 with enactment of the omnibus appropriations bill for FY 2015, which directed FMCSA to study two groups of drivers – those operating under the rules with the restart restrictions and those operating under the HOS rules without the restart restrictions – and issue a report determining whether the restrictions provided net safety benefits. Although that report has yet to be submitted, the new law raises the bar by requiring both the Secretary and the Inspector General of the USDOT to certify that the final report meets all the requirements of the 2015 law and also that the report demonstrates drivers operating under the restrictions “demonstrates statistically significant improvement in all outcomes related to safety, operator fatigue, driver health and longevity, and work schedules” compared to drivers who operated without the restrictions.

Please contact Tim Wiseman (twiseman@scopelitis.com) or Prasad Sharma (psharma@scopelitis.com) with any questions.