

Hours-of-Service Policy for Property-Carrying Drivers Using ELDs

Rig Diggers Trucking INC

Policy

Rig Diggers Trucking INC is committed to strictly following the hours-of-service and electronic logging device (ELD) regulations for property-carrying vehicles. It is the responsibility of all employees, supervisors, managers, and drivers to assure that all drivers are operating in compliance with all hours-of-service and ELD regulations under all circumstances. Violation of this policy will result in disciplinary action, up to and including termination of employment. This policy has no exceptions.

Responsibilities: Drivers

Drivers that have been instructed by the company to use an ELD or AOBRD are expected to know and apply the property-carrying vehicle hours-of-service and ELD rules. Any disregard for the ELD rules and/or this company policy will result in disciplinary actions by the company, up to and including termination. Major hours-of-service limits are:

- 11-hour driving rule: A driver cannot drive for more than 11 hours following 10 consecutive hours off duty. All time spent at the driving controls of a commercial motor vehicle is considered driving time. If applicable, list additional driving time requirements set forth by the company
- Adverse driving conditions: A driver who encounters adverse driving conditions and, because of those conditions, cannot safely complete his/her run within the 11-hour maximum driving time may drive for an additional 2 hours to complete the run. Adverse driving conditions mean snow, sleet, fog, or unusual road and traffic conditions which were not apparent to the person dispatching the run at the time it started. A driver may not drive for more than 13 hours since the last 10 consecutive hours off duty. A driver may not drive if more than 8 hours have passed since the end of his/her last off-duty or sleeper-berth period of at least 30 minutes, or after he/she has been on duty after the end of the 14th hour after coming on duty, following 10 consecutive hours off duty. Adverse driving conditions do not include loading or unloading delays or conditions that were apparent before the run was dispatched. If applicable, list additional adverse driving conditions requirements set forth by the company
- 14-hour on-duty rule: A driver cannot drive after the 14th consecutive hour after coming on duty. After the 14th hour, a driver cannot drive again until he/she has 10 consecutive hours of rest. If applicable, list additional workday time requirements set forth by the company
- Rest-break rule: A driver cannot drive if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes. If applicable, list additional rest-break requirements set forth by the company

- 60-hour/7-day limit (If applicable to your operation): Rig Diggers Trucking INC follows the 60-hour/7-day schedule. A driver cannot drive after having been on duty for 60 hours in any 7 consecutive days. 34-Hour Restart: Any period of 7 consecutive days may be ended with the beginning of an off-duty period of 34 or more consecutive hours. Upon completion of the 34-consecutive hours off duty, the driver's hours worked for the previous 7 days goes to "0" and the driver has a full 60 hours available. If applicable, list additional requirements in addition to the 60-hour/7-day schedule set forth by the company
- 70-hour/8-day limit (If applicable to your operation): Rig Diggers Trucking INC follows the 70-hour/8-day schedule. A driver cannot drive after having been on-duty for 70 hours in any 8 consecutive days. 34-Hour Restart: Any period of 8 consecutive days may be ended with the beginning of an off-duty period of 34 or more consecutive hours. Upon completion of the 34-consecutive hours off duty, the driver's hours worked for the previous 8 days goes to "0" and the driver has a full 70 hours available. If applicable, list additional requirements in addition to the 70-hour/8-day schedule set forth by the company
- Sleeper berth (if applicable to your operation): The sleeper berth can be used to accumulate required off-duty time, as long as the driver follows prescribed guidelines. A driver can accumulate the required 10 hours of off-duty time by either:
 - Spending 10 consecutive hours in the sleeper berth;
 - Combining time in the sleeper berth with other off-duty time to get 10 hours off, as long as all 10 hours are consecutive; or
 - Obtaining 10 non-consecutive hours off duty using two separate rest periods, with one being at least 8 consecutive hours in the sleeper berth and the other being at least 2 consecutive hours either off duty, in the sleeper berth, or any combination of the two. When using this option, once a driver has obtained the two required rest periods, the driver does not have 11 and 14 hours available. Available hours are calculated by counting forward from the end of the first rest period and subtracting driving time from 11 and all time (excluding any 8-hour sleeper-berth periods) from 14. This method can be used continually as long as the driver has driving time available under the 60/70-hour rule. Drivers can also record up to 2 hours riding in the passenger seat of a moving property-carrying vehicle as "off duty," provided the 2 hours is immediately before or after spending at least 8 consecutive hours in a sleeper berth. This off-duty time, along with the sleeper-berth time, can be excluded from the 14-hour calculation. If applicable, list additional sleeper berth requirements set forth by the company
- Fatigued drivers: Drivers are prohibited from operating a commercial motor vehicle if they are ill or fatigued, even if they have available hours under the hours-of-service rules. In a case of grave emergency where the hazard to occupants of the commercial motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the commercial motor vehicle to the nearest place at which that hazard is removed. This is in accordance with 49 CFR §392.3.

- On-duty time: All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all work responsibility is considered on-duty time. Work for any entity, regardless of whether the employer is a carrier, is considered on-duty time. On-duty time includes the following:
 - All time at a plant, terminal, facility, or other property, of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
 - All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
 - All driving time.
 - All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth, time spent resting in or on a parked vehicle, and up to 2 hours spent riding in the passenger seat of a moving property-carrying vehicle immediately before or after spending at least 8 consecutive hours in a sleeper berth.
 - All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
 - All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
 - All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with alcohol and drug testing requirements.
 - Performing any other work in the capacity, employ or service of a motor carrier.
 - Performing any compensated work for a person who is not a motor carrier.

Procedures: Drivers' use of ELDs

When using an electronic logging device (ELD) or an automatic onboard recording device (AOBRD), all drivers must:

- Log in at the beginning of the tour, using their own assigned credentials. Under no circumstances is a driver to use another driver's login information. As part of the login process, the driver is to review, and accept or deny any unassigned driving time on the device at time of login. Drivers are required to accept unassigned driving time if the driver's actions led to the unassigned driving time, and create off-duty logs for any days for which the driver was off duty since logging out
- Make manual duty status changes at the time the duty change takes place.
- Make location entries, when requested by the device.
- Find a safe parking location and stop operating the vehicle when alerted by the ELD/AOBRD that an hours-of-service limit (8-hour/30-minute break, 11 driving, 14 consecutive, 60/70) will be reached.

- Not operate the vehicle until a required break has been completed (30-minute, 10-hour, 34-hour).
- Use the special driving category “Personal Use” when appropriate, which is only to be used when the driver is using an unladen vehicle to commute to a purely personal destination (home, hotel, restaurant). Misuse of this special driving category will be considered deliberately creating a false log.
- Use the special driving category “Yard Move” when appropriate, which is only to be used when the vehicle is being operated in a facility that the public does not have access into due to gates or signs. Misuse of this special driving category will be considered deliberately creating a false log.
- Make edits and annotations as needed to correct for errors and omissions. All edits must include a comment stating the reason the edit was necessary. If desired, list legitimate reasons for edits. Examples are that driver forgot to log in or log out, driver forgot to enter a duty change when it occurred (correcting the time a duty change took place), or driver added on-duty hours that were not entered into the system through the onboard device.
- Review proposed edits and approve the edit only if the edit is appropriate. If the edit is not appropriate, the driver is to contact the supervisor that initiated the edit and explain why the edit is not appropriate.
- Enter a comment any time an exemption or exception is used.
- Enter a comment any time a limit is exceeded.
- Certify and submit the record within [Insert a number of days \(13 or fewer\)](#), and as an alternate: Certify and submit the records at the end of current assignment (best practice).
- Log out upon completion of the tour.

Roadside inspections

- It is the driver’s responsibility to provide the officer with the requested records and documents during a roadside inspection. The exact procedures will depend on the device the driver is using.
- AORBD: Provide the display and instruction card to the officer, be prepared to show officer supply of blank logs adequate to complete the present trip, and display the information the officer requests.
- ELD: Provide the officer with [display or printout](#) (applicable only if device does not have a display, the user’s manual, the data transfer instruction card, and the malfunction card. Be prepared to show officer at least eight blank logs, display the information the officer requests (not applicable if using a device that does not have a display and prints out the information), transfer the ELD data to the officer using the telematic or local method specified by the officer depending on your ELDs capability (local or telematic). If telematic, the options are email or web service. If local, the options are Bluetooth or USB 2.0.

Malfunctions

- A malfunction is any situation involving the device being unable to capture, process, store, or present the required hours-of-service data.
- If the device malfunctions, the driver is to notify the company immediately, immediately reconstruct the current and previous seven days' logs using (any combination of manually created logs, printouts, the device display, or copies sent from the office if acceptable for the previous seven days' logs).
- Follow the company's instructions to get the device repaired or replaced.

Prohibited practices

- Under no circumstance is a driver to change (edit) a record in such a way that would result in a false record being created. Examples of edits that would lead to a false log are changing on-duty time to off duty to eliminate a violation, or changing on-duty time to off duty to make more hours available
- Under no circumstances is a driver to operate a vehicle equipped with an AOBRD/ELD without logging into the device.
- Under no circumstances is a driver to operate a vehicle equipped with an AOBRD/ELD after logging out of an AOBRD/ELD.
- Under no circumstances is a driver to operate a vehicle on a public roadway at a slow enough speed to prevent the device from correctly capturing driving time.
- Drivers are not allowed to operate upon reaching any of the appropriate hours-of-service limits, unless there is an exception that allows the driver to drive past the limit. In this case, the driver is to note the exception used in the comments area.
- Under no circumstances is a driver to operate a vehicle until all hours that are not in the AOBRD/ELD system have been entered via the edit process. Examples of on-duty time that may need to be entered are, time working for the company that was not entered into the AOBRD/ELD system, time working at another employer
- Under no circumstances is the driver to tamper with the device or the data stored in the device. Any attempts by a driver to repair the device or return functionality must be done under the direct supervision of a company supervisor.