



Can a transit driver legally drive for 11 hours after being off duty for 8 consecutive hours?

by Justin Dorsey

The above question, and others, will be answered in this refresher on hours of service regulations for intrastate transit service in Kansas.

Who must comply with intrastate hours of service regulations?

The Kansas Corporation Commission (KCC) regulates intrastate hours of service for public motor carriers transporting passengers within Kansas (K.S.A. 66-1, 129). The KCC adopted the federal rules and regulations regarding hours of service that are found in 49 C.F.R. 395.5.

Intrastate passenger transportation is the transport of passengers solely within Kansas. A public motor carrier is an entity that transports passengers for hire in a motor vehicle (K.S.A. 66-1, 108.) This includes Kansas non-profit agencies providing transit service.

A public motor carrier using a vehicle designed to transport more than six passengers, including the driver, operating solely in Kansas, must comply with KCC hours of service regulations. However, if the vehicle is operated by a government entity such as the federal government, a state, a municipality, or any other political subdivision of Kansas, it is exempt from the regulations. For example, if your service is owned by your city or county government, then your agency is exempt from these regulations.



In other words, a driver can drive for a maximum of 10 hours during a 15-hour on-duty time period but must be off for a minimum of 8 consecutive hours before initial driving occurs.

Here are some examples of applying these rules:

Can a driver drive for 3 hours after being off for 7 consecutive hours? No, this will violate rule #1 because the driver will not be off for at least 8 consecutive hours before initial driving occurs.

It is important to record actual driving time, as well as time spent on any other work tasks, and time off, and to track those activities both daily and weekly.

Hours of service rules for non-government vehicles

Hours of service regulations limit driving and on-duty time per day and per week. On-duty time, in this context, means more than driving time. It includes all the time from when a driver begins work to when the driver is relieved from work, whatever the corresponding responsibilities are. For example, on-duty time includes time spent waiting to be dispatched, inspecting a vehicle, or repairing a vehicle.

Daily rules

Daily regulations say that a driver:
1) Cannot drive more than 10 hours after being off for 8 consecutive hours;
2) Cannot drive after being on-duty for 15 hours after being off for 8 consecutive hours.

Can a driver drive for 11 hours after being off for 8 consecutive hours? No, this will violate rule #1 because the driver will drive for more than 10 hours.

After being off for 10 consecutive hours, can a driver dispatch for 14 hours and then drive for 3 hours? No, this will violate rule #2 because the driver will drive after being on-duty for more than 15 hours.

Can a driver drive for up to 10 hours after being off for 9 consecutive hours? Yes, this complies with both rules.

After being off for 10 consecutive hours, can a driver dispatch for 2 hours, repair an agency vehicle for 3 hours, and then drive for up to 10 hours? Yes, this complies with both rules.

Weekly rules

Even if a driver complies with daily regulations, he/she also must be aware of weekly regulations. If service does not operate every day of the week, a driver cannot drive after being on-duty 60 hours in any 7 consecutive days. However, if service does operate every day of the week, a driver cannot drive after being on-duty for 70 hours in any 8 consecutive days.

For example, can a transit driver drive 12 hours a day for 6 consecutive days? No.

Finally, remember that if a driver drives for more than one agency or has a non-driving side job, extra

Hours of service rules apply to drivers of private vehicles.

attention may be needed to ensure hours of service regulations are followed. For example, if a driver works 10 hours a week as a secretary in a doctor's office, that time is on-duty time when evaluating hours-of-service compliance.

If you need additional information contact Dale Moore of the Kansas Corporation Commission at (785) 271-3151 or visit their Web site at <http://www.kcc.state.ks.us/trans/index.htm>.

Sources:

Federal Motor Carrier Safety Administration information on hours of service. <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/395.htm>

Kansas Corporation Commission motor carrier regulations. http://www.kcc.state.ks.us/trans/mc_regs.pdf

Kansas Legislature statutes. <http://www.kslegislature.org/legsrv-portal/index.do> ▲

Coordinated transit planning,

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It was an extremely productive meeting, and eight recommendations were made back to the Governor's Committee. The prioritized list of recommendations include:

- Increase communication with local agencies across networks;
- Develop outcome measures for each goal-part of overall evaluation plan;
- Leverage, utilize, and centralize funds and/or change, update, and coordinate regulations to achieve efforts and provide better service;
- Create marketing strategies for locals on "United We Ride" efforts, e.g. county commissions;
- Seek statutory authority for Governor's Committee on Public Transportation;
- Establish best practices and results of action steps;
- Create monetary incentives to achieve coordinated services;
- Study how to better leverage regional and local resources.

The Governor's Committee is scheduled to meet in April to continue work on these priorities. Thanks to Marla Flentje of the Austin Peters Group for her assistance in co-facilitating the day.

Please contact Pat Weaver at the Transportation Center if you have questions about the Kansas United We Ride effort, (785) 864-2595, weaver@ku.edu, or visit the Kansas United We Ride Web site at <http://www.ksunitedweride.org>. ▲

Antihistamines,

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story. Although illegal drugs like marijuana and cocaine impair driving, so do legal drugs like antihistamines. Further, he suggests that, if taking a drug for the first time, avoid driving until you are familiar with its side effects.

Transit drivers rely heavily on alertness and reaction time to operate their vehicle. When a driver takes antihistamines, those skills may become diminished. Therefore, if you are a driver taking antihistamines, be extra careful, ask your medical professional if taking a second-generation instead of first-generation antihistamine is possible, and report your medications to your supervisor to determine your fitness to drive.

Sources:

American Academy of Allergy, Asthma, and Immunology information on Claritin and second-generation antihistamines.

http://www.aaaai.org/patients/resources/patient_qa_otc_claritin.stm

Nurses Notebook information on antihistamine research.

http://www.nursesnotebook.com/antihistamine_dangers.htm

Asthma & Allergy Information (on how antihistamines work).

<http://www.users.globalnet.co.uk/~aair/antihistamines.htm#>

WHATRANTI

HealthLink Medical College of Wisconsin information on antihistamines and driving performance.

<http://healthlink.mcw.edu/article/968785675.html>

American Academy of Family Physicians information on first and second-generation antihistamines.

<http://familydoctor.org/857.xml>. ▲