Date: 01 January 2015

To: All Chieftain Contract Services LLC Employees

From: Scott Wiegers, Director of Safety, Chieftain Contract Services LLC

Re: Hours of Service Log Policy

**Hours of Service Log Policy**

A driver’s hours of service are regulated by Federal, State, and Local agencies and are part of the Federal Motor Carrier Safety Administration, (FMCSA) regulations, specifically contained in 49 CFR Part 395.1 thru 395.15 and the Ontario Highway Transportation Act.

Chieftain Contract Services LLC is strongly committed to being in full compliance with the current Federal Hours of Service, (HOS) Regulations. All company operations personnel, company-employed drivers, owner-operators and their employees, fleet owners and their employees, or any other individuals whose main duty is operating commercial motor vehicles under the authority of the company are subject to this Hours of Service Log Policy.

Per FMCSA CFR Part 395.3:

*No motor carrier shall permit or require any driver used by it to drive a property-carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, if the driver is in violation of the hours of service regulations.*

All drivers that have a working Qualcomm Unit installed in their vehicle, **SHALL** log in, and are required to use the Hours of Service, (E-LOG) portion of the system. If the Qualcomm unit is inoperable, drivers are required to use only the forms provided by Chieftain Contract Services LLC to keep track of their HOS.

**Federal Requirements - United States**

**11 Hour Driving Rule:**
A driver may drive a total of 11 hours during a 14-hour period. All time spent behind the wheel is considered driving time. After 11 hours of driving time, you must have 10 consecutive hours off duty or in the sleeper berth before you can drive again.

**14 Hour On-duty Rule:**
A driver may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. The driver may not drive after the end of the 14th consecutive-hour period without first taking 10 consecutive hours off duty.
The 14 hours are consecutive from the time you start your tour of duty. Any Off-Duty time less than 10 hours or any Sleeper-Berth time less then 8 hours will count against the 14 hour rule.

On-duty time is defined as all time from the time you begin work or are required to be ready for work until you are relieved from work and all responsibility for doing work if:

- Waiting to be dispatched
- Inspecting, servicing, or conditioning a commercial motor vehicle
- Driving (at the controls of your vehicle)
- In or on your vehicle (except time spent in the sleeper berth)
- Loading or unloading your vehicle
- Repairing, obtaining assistance, or attending to a disabled vehicle
- Performing any other work for a motor carrier
- Complying with drug or alcohol testing requirements
- Performing compensated work for any other employer

30 Minute Rest-Break Rule:
After June 30, 2013, driving is not permitted 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 or more. The 8 hours are consecutive hours, so they include driving and all other time (including any breaks that are less than 30 minutes). The new rule says you have to stop driving CMVs once you reach 8 consecutive hours past the end of your last break of at least 30 consecutive minutes. The rule does not apply to drivers using the short-haul exceptions in 395.1

* A good rule to follow is to take your brake between the 5th and 7th hour of coming on-duty. *

Sleeper-Berth Exception:
A driver who operates a property-carrying commercial motor vehicle equipped with a sleeper berth, as defined in 49 CFR Parts 395.2 and 393.76 can use the Sleeper-Berth Exception. For the Sleeper-Berth Exception to apply the driver must have:

- At least 10 consecutive hours of Sleeper-Berth time or;
- At least 8 consecutive hours but less than 10 consecutive hours in a sleeper berth, and a separate period of at least 2 consecutive hours but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.
If you choose to use this exception, when recalculating your available driving time following your second sleeper berth period, you must be careful. Your On-duty and Driving time starts at the end of the first Sleep-Berth period.

- For example, you spend 8 hours in the first Sleeper-Berth period, drive for 4 hours then take 2 hours in the second Sleeper-Berth period. Upon completion of the second Sleeper-Berth period you can now drive for only 7 hours and be on-duty for 8 hours. This continues to be true following each qualifying Sleeper-Berth period until you have 10 consecutive hours off duty.

70 Hours of Service Rule:
E.L. Hollingsworth and Co. operates every day of the week, and there for running under the 70 hours in 8 days rule. Which means, no driver shall drive or be allowed to drive after accumulating 70 hours on-duty time in any 8 consecutive days.

34-Hour Restart:
As of June 30, 2013, any period of 70 hours of being on duty in 8 consecutive days may end after taking 34 or more consecutive hours off duty. This must include two rest periods from 1 a.m. to 5 a.m. of home terminal time, and may only be used once per week, or when the driver has accumulated 168 hours between restarts, measured from the beginning of the previous restart. ***** SEE UPDATED 34HR RESTART POLICY AS OF 12-16-2014*****

Adverse Driving Conditions:
The only rule a driver can use to add time to their driving is for Adverse Driving Conditions. Adverse Driving Condition is defined in 49 CFR Part 395.2 as when:

- There is a sudden weather change of snow, sleet, fog, or other adverse weather condition;
- The highway is covered with snow or ice. (Due to an unexpected storm);
- There is an unusual road and or traffic condition. (Road closure due to an accident.)

All of these conditions must not be apparent on the basis of information known to the person dispatching the run at the time it was begun. This is referring, but not limited to:

- Weather reports;
- Road construction;
- Known traffic conditions for certain times of day (Rush Hour).
Drivers who are dispatched after the motor carrier has been notified or should have known of adverse driving conditions are not eligible for the two hours additional driving time provided for under §395.1(b), adverse driving conditions.

The term “in any emergency” shall not be construed as encompassing such situations as a driver’s desire to get home, shippers’ demands, market declines, shortage of drivers, or mechanical failures.

HOS Logging Form and Manner:
For each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty not driving and where released from work), the name of the city, town, or village, with State abbreviation, shall be recorded. The following information must be included on the driver HOS logs in addition to the grid:

- Date;
- Total miles driving;
- Truck or Tractor and Trailer number;
- Name of Carrier & Main office address;
- Driver’s signature;
- Remarks;
- Name of Co-Driver;
- Total number of hours of on-duty (Far right edge of the grid);
- Shipping document number (s) or name of shipper and commodity.

Failure to complete the record of duty activities, failure to preserve a record of such duty activities, or making a false report in connection with such duty activities shall make the driver and/or the carrier liable for prosecution.
Short Haul Operations:
A driver is exempt from the requirements of § 395.8 if:

- The driver operates within a 100 air-mile radius of the normal work reporting location;
- The driver returns to the work reporting location and is released from work within 12 consecutive hours;
- A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- A property-carrying commercial motor vehicle driver does not exceed the maximum driving time specified in § 395.3(a)(3) following 10 consecutive hours off duty;

The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

- The time the driver reports for duty each day;
- The total number of hours the driver is on duty each day;
- The time the driver is released from duty each day; and
- The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

Post/Pre Trip Inspections:
Both must be recorded on the HOS log as “on-duty not driving”. A minimum of 20 minutes must be shown for each inspection. Any defects found during a Pre / Post Trip inspection must be documented using either an electronic Driver Vehicle Inspection Report, (EDVIR) or Paper DVIR. The DVIR must then be turned into the Maintenance Department. You are required to submit, in writing any findings of damage or mechanical problems found during both the Pre-trip and Post-trip inspections.

Canadian Requirements

While operating in Canada, all drivers are expected to comply with Canadian regulations.

13-hour driving rule:
A driver cannot drive for more than 13 hours following 8 consecutive hours off duty. All time spent at the driving controls of a commercial motor vehicle is considered driving time.

15-hour on-duty rule:
A driver cannot drive after having been on duty for a total of 15 hours (no more than 13 of which can be driving). After 15 hours on duty a driver cannot drive again until he/she has 8 consecutive hours of rest.
120-hour/14-day limit:
A driver cannot drive after having been on duty for 120 hours during the period; and shall not drive unless the driver has been off duty for at least twenty-four consecutive hours before the driver totals seventy-five hours on duty during the period.

70-hour/8-day limit:
A driver cannot drive after having been on-duty for 70 hours in any 8 consecutive days.

160-Kilometer Radius Drivers:
A driver is not required to make out a log if the following criteria are met:

- The driver is instructed to drive within 160-kilometer radius of the place he or she reports to work;
- The driver returns to the work reporting location and is released from work within 15 hours of leaving it and immediately goes off duty;
- The Motor carrier maintains records of the times the driver goes on and off duty and the total time the driver is on duty.

The fact that a driver is not required to complete a log does not relieve the driver of any other requirement under the regulations.

A driver who is ordinarily exempted by this regulation shall, when driving a commercial motor vehicle in a circumstance that requires them to make a daily log, shall make a log for the day and enter in it the total period of time that the driver was on duty in the preceding seven or thirteen consecutive days.