

Outline - Log auditing: Property - Carrying Vehicles

1. Discuss the basics steps an auditor should follow when preparing to audit logs.

Content: The following are basic steps all auditors should follow to ensure that logs are being audited efficiently.

1. Know the hours-of-service regulations. (See the hours-of-service training programs for more information.)
2. Get organized:
 - * arrange all logs, by driver, in chronological order; and
 - * use a checklist-type form that lists all possible logging violations, their regulatory reference number, and the date(s) of the violation(s).
3. Follow the same audit process every time you conduct an audit.

Notes: This is a good time to discuss any company policies dealing with log auditing. Distribute a copy of any company policies that address this subject. Also distribute a copy of your company's checklist of violations. A sample checklist is included as a handout in this lesson.

Exercises: Auditing driver logs.

2. Discuss the Federal Motor Carrier Safety Regulations (FMCSRs) dealing with the record of duty status.

Content: Part 395 of the FMCSRs requires drivers to record their record of duty status in duplicate, for each 24 hour period on a vertical or horizontal graph grid that includes:

- * off duty;
- * sleeper berth;
- * driving; and
- * on-duty not driving.

The grid must also include a "remarks" section. In the remarks section the driver must record each change of duty status by noting the name of the city, town, or village with state abbreviation of where the change of duty status occurred.

There are 11 other items that must be included on the form:

- * date;
- * truck or tractor and trailer number;
- * total miles driving today;
- * driver's signature/certification;
- * name of carrier;
- * main office address of carrier;
- * name of co-driver (if applicable);
- * a 24-hour period starting time;
- * total hours (far right edge of grid);
- * remarks; and
- * shipping document number(s) or name of shipper and commodity.

Notes: Distribute a copy of Part 395 and review the hours-of-service regulations. Encourage your students to ask questions about any part of the hours-of-service regulations that may be unclear. It is important that your students have a strong grasp of the regulations in order to effectively proceed with this lesson.

Exercises:

3. Discuss the auditing process.

Content: Put simply, you need to make sure all items required by the FMCSRs are filled in properly. Do this by taking the following steps:

1. Is the correct name and main address of the carrier entered? (Note: If your drivers work for more than one carrier in a day, all carriers names and addresses must appear on the log.)
2. Is the correct date entered on the log? This includes the month, day, and year.
3. Check the space for total miles driven today. Is it possible to drive that many miles in the number of driving hours available? Are actual miles driven accurate? (Consider the driver's route.)
4. Have the vehicle numbers been entered? If the driver operates more than one vehicle in a day, the numbers for all vehicles must be entered. (Note: If you have tractor-trailer combinations, identification for both must be listed. If your vehicles are not numbered, license plate numbers, including the state must be indicated.)
5. Did the driver sign each log page? The signature should be the driver's legal name or name of record.
6. If your company uses team drivers, was the name of the co-driver listed? Remember, each driver must keep his/her own log. (Note: A comparison of the co-driver's log with the driver being audited is an excellent tool to check for any falsification of data.)
7. Check for shipping document numbers in the remarks area. If there are no numbers, the shipper's name and commodity being transported must be included. If a driver was running empty, the word EMPTY may be used.

8. Check the remarks area for all changes in duty status. These remarks should include the city and state where each change of duty took place. If the change took place at a location other than a city, town, or village, the location can be recorded as:

- * the highway number and nearest milepost followed by the name of the nearest city, town, or village and state abbreviation;
- * the highway number and name of the service plaza followed by the name of the nearest city, town, or village and state abbreviation; or
- * the highway number of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and state abbreviation.

Items to investigate for possible log falsification include:

- * do logged stops compare accurately to fuel stops, meal stops, vehicle inspections?
- * do receipts from restaurants and fuel stations compare to actual locations on that route?
- * is the driver on or off duty during a meal stop?

Notes: Use of overhead transparencies can help you illustrate this portion of the lesson. You may want to use both a transparency of a blank log book (to make it easy to point out the required items) and a transparency of one that is filled out properly.

Exercises:

4. Discuss hours-of-service violations.

Content: The first step in this portion of the auditing process is to determine if the driver has exceeded the 8-hour, 11-hour, or 14-hour limits. The regulations in Sec. 395.3 state that a driver may not drive:

- * more than 11 hours following 10 consecutive hours off duty;
- * for any period after the 14th hour after coming on duty following 10 consecutive hours off duty; or
- * if the driver has already driven 8 hours since the end of the driver's last interruption to driving of at least 30 consecutive minutes.

(For further explanation of the 8-, 11-, and 14-hour limits, see the hours-of-service training program.)

(Note: When auditing for compliance with the 14-hour rule, a driver may work after the 14th hour without being in violation provided he/she does NOT drive after the 14th hour. Similarly, drivers may work after the 8 hours of driving without a 30-minute break as long as they do not drive more than 8 hours without a break.)

The regulation states that a driver must log his/her time for each 24-hour period. You should always check the hours in each of the four categories on the grid (off duty, sleeper berth, driving, and on duty/not driving). The total hours must be calculated at the end of each 24-hour period and must equal the time as graphed on the grid.

Under the hours-of-service rules, one of the most difficult provisions from an auditing perspective are the two exceptions to the 14-hour rule for short-haul drivers — drivers who return to the normal work reporting location on a daily basis:

16-hour short-haul exception. Once per week, a driver may drive up to the 16th hour after coming on duty if:

- * The driver has returned to his/her normal work reporting location and the carrier released the driver from duty at that location for the previous five duty tours the driver has worked;
- * The driver has returned to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty following 10 consecutive hours off duty; and
- * The driver has not taken this exemption within the previous 6 consecutive days, except when the driver has begun a new 7- or 8- consecutive day period with the beginning of any off-duty period of 34 or more consecutive hours (see discussion of 60/70-hour rule below).

Non-CDL-driver short-haul exception. The driver of a vehicle for which a CDL is not required under Part 383 is exempt from the log requirements, the 30-minute break requirement, supporting documents, and the 14-hour rule if:

- * The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work (i.e., the normal work reporting location);
- * The driver returns to the normal work reporting location at the end of each duty tour;
- * The driver does not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, or after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days (any 7-consecutive-day period may be reset with 34 consecutive hours off duty); and
- * The motor carrier that employs the driver maintains for 6 months accurate records showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day (and the total time for the preceding 7 days for drivers used for the first time or intermittently).

Note: Drivers using the non-CDL exception remain subject to the 10-hour off-duty rule, the 11-hour driving rule, the 30-minute break rule, and the 60/70-hour limits. Drivers who use this exception are ineligible to use the 100-air-mile radius exception, the sleeper-berth provisions, or the 16-hour short-haul exception.

Notes: Again, you may want to use overhead transparencies to illustrate this portion of the lesson.

Exercises:

5. Discuss sleeper-berth time.

Content:When done correctly, the sleeper berth can help a driver, or team of drivers, accumulate off-duty time while staying on the road for a maximum amount of time without a layover.

As mentioned earlier in this training program, upon reaching the 11 hour driving limit, a driver must have 10 consecutive hours off duty before he/she may drive again. The sleeper-berth option is one way to accumulate the required hours in one 10-hour period or in two separate periods totaling 10 hours.

If the rest time is being taken in two separate periods, one of the breaks must consist of at least 7 consecutive hours in a sleeper berth. This break will not count against the 14-hour limit (i.e., it will extend the day). The other break must be at least 2 consecutive hours either in a sleeper berth, off duty, or any combination of the two, and the two breaks added together must total at least 10 hours. This break will also not count against the 14-hour limit, and can be taken either before or after the 7-hour sleeper period.

Drivers can also log "off duty" for up to 3 hours while riding in a passenger seat on a moving property-carrying vehicle immediately before or after spending at least 7 consecutive hours in a sleeper berth. This off-duty time, along with the sleeper-berth time, can be excluded from the 14-hour calculation.

When accumulating 10 hours of rest in two separate periods, the driver does not have a full 11 and 14 hours available at the conclusion of the two periods. Rather, once the driver has two qualifying rest breaks that add up to 10 hours, then, following the second rest break, hours available under the 11- and 14-hour rules must be recalculated from the end of the first of the two breaks (the time spent before the first break drops out of consideration). For example, if a driver drives for 6 hours, sleeps (in a sleeper berth) for 8 hours, drives for 5 hours, and then goes off duty for 2 hours, the driver will have 6 hours of driving time available ($11 - 5 = 6$) within a 9-hour window ($14 - 5 = 9$).

The sleeper berth can also be used in satisfying the 10 consecutive hours off-duty requirement by combining sleeper-berth time with any legitimate off-duty time. However, the periods must be consecutive and not broken with any on-duty or driving activities.

Only time spent in a sleeper berth may be recorded as sleeper-berth time on a driver's record of duty status (driver's log). Sleeper-berth time may not be recorded as off-duty time.

As an auditor, you should spend additional time making sure the driver has met all of the requirements when recording his/her sleeper-berth time.

Notes:Use overhead transparencies to illustrate the accurate recording and reporting of sleeper berth time.

Exercises:

6. Discuss the 60-hour/7-day and 70-hour/8-day limit.

Content:After checking compliance with daily limits, you will then start your audit for compliance with the 60-hour/7-day or 70-hour/8-day rules.

Since compliance with this portion of the regulation is ongoing, your audit won't necessarily begin with the first log in your driver's stack nor will it end with the last. You will need to refer to logs from the past week or two. (For further explanation of the 60/70 hour limit see the hours-of-service training program.)

Watch for a valid use of the "34-hour restart." Any period of 7/8 consecutive days may end with the beginning of an off-duty and/or sleeper berth period of 34 or more consecutive hours. In other words, after getting a break of 34 or more consecutive hours of rest, a driver's accumulated on-duty hours will fall to zero. This restart option can even be used if the driver's accumulated hours exceed 60/70.

Notes:Again, use overhead transparencies to illustrate this portion of the lesson. You may also want to distribute a copy of the On-Duty Hours handout. The 34-hour restart provision is optional, so be sure to let your trainees know if your company does not allow the use of the 34-hour restart.

Exercises: