

Alaska Trucking Association, Inc.

3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946

www.aktrucks.org

The authoritative voice of the trucking industry in Alaska

The following questions were received from a member of ATA. The two basic questions revolve around 1. which city or village to use when working the Dalton Hwy or other long stretches of highway and 2. tick marks. The following prompt response came from the Division office of the Commercial Vehicle Enforcement Section.

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Good stuff.



Subject: US DOT FMCSR 395.8(h)(1) Location Remarks & 395.8(h) Graph Grid Markings

It would be greatly appreciated if you could answer the following questions for me.

1. **How do we properly interpret and log 395.8(h)(1)?**

A lot of US DOT rules are now being enforced on the Dalton Highway and others that the State DOT never enforced. Including location marking when changing duty status. In the past we have always just listed where we were, Finger Mountain, Gobblers Knob, and such. Which always showed exactly where we were. Now State DOT wants us to do it as listed in the FMCSR's which I don't have a problem with (it is the law). The problem is trying to interpret it. Everyone has their own ideas including the State DOT.

The rule states: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) the highway number and nearest milepost followed by the nearest city, town, or village and State abbreviation. (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation., or (3) the highway numbers of the nearest two intersecting roadways followed by the nearest city, town, or village and State abbreviation.

The problem lies with the city, town or village. Do the city, town, or village have to be on the highway system? Or does it include villages not on the highway system such as Bettles, Alaska (it may be closer than one on the highway)?

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Does the city, town, or village have to have a Post Office or a zip code? Like Fox, Alaska, it has no Post Office, but it does have a zip code in Fairbanks, Alaska.

How about Deadhorse/Prudhoe Bay? Some of our drivers have been told that Prudhoe Bay is not a city, town, or village, so they must put Deadhorse as the city, town, or village. I don't believe that Deadhorse has a zip code, but Prudhoe Bay does have one. As we all know there is only one city, town, or village on the Dalton Highway that actually has a Post Office and a zip code. That is Cold Foot, Alaska. So do we put Fairbanks or Fox for a city, town, or village on the southern end and Prudhoe Bay or Deadhorse on the northern end and Cold Foot in the middle? We won't do it right but are getting to many conflicting interpretations.

I can't find clarification on this anywhere. Please help.

2. Our drivers are having problems with the State DOT trying to enforce a part of FMCSR's 395.8(h) that does not exist. They are telling the drivers that they must make a tick mark into the next duty status that they have just changed to. For example they just changed from sleeper berth to driving, they drew a perpendicular line down from sleeper berth to driving; the State DOT says that we also must make a tick mark into that driving time so that they can tell what they are doing.

The minimum mark on the grid is 15 minutes. If they pre-mark that graph grid with a tick mark they are now showing 15 minutes of driving time that they have not done. This is a log falsification. The FMCSR's and their Interpretations do not say to do this.

Interpretations for 395.8 # 13 says: Are drivers required to draw continues lines between the off-duty, sleeper berth, driving, and on-duty (not driving) lines on a record of duty status when changing their duty status? Answer: NO. Under 395.8(h) the FMCSR's require that continues lines be drawn between the appropriate time markers within each duty status line, but they do not require that continues lines be drawn between appropriate duty status lines when drivers change duty status.

I interpret that to say no perpendicular lines are required which should also include "tick marks" into the next duty status. The drivers are already going the extra distance just by putting in the perpendicular line.

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From: Fant, Blair (DOT)

Sent: Tuesday, November 17, 2009 8:36 AM

To: Rex E Young JR (rex_young@dot.state.ak.us)

Subject: FW: US DOT FMCSR 395.8(h)(1) Location Remarks & 395.8(h) Graph Grid Markings

Importance: High

Good morning. These are good questions that need clarified.

1. It is actually 395.8(h)(5). The regulation states a driver must put the nearest city, town or village and state. In Alaska, it is recognized that mile posts are accepted location markers. Because of the vast distances involved between locations in areas like the Dalton, Parks and Glenn Highways, if a driver puts a location like 'Mile 145 Dalton Hwy., Ak', it will be accepted. We have addressed this issue with our officers and should not be an issue now.

2. There is no regulation or local rule that requires a "tick" mark when changing duty status. The rules state the driver must be current to the last change of duty status. This means a driver going "On Duty Not Driving" to "On Duty Driving" must have the appropriate Not Driving time marked when he/she is stopped, since this is the last duty status. There is no requirement to make a 'tick' mark or make a vertical line to the current status block on the grid. This has also been addressed.

For example, a driver starts driving at 1100. The driver is stopped at 1230 and the last entry in the log is at 1030 On Duty Not Driving, the driver is not current to last change of duty status. The entire time grid must be brought current to 1100 prior to going "On Duty Driving". When the driver is stopped for inspection, the officer will take the log book and check it for currency as required. If the driver fails to mark the entire "On Duty Not Driving" time from 0900 - 1100, he/she will be in violation when stopped for inspection. Then, the officer will give the driver an opportunity to bring the log current so he/she can accurately check the driver's total duty status.

Another example; The driver is stopped at 1230 for a compliance check. The grid is marked "On Duty Not Driving" to 1100. The driver started driving at 1100. He is fully compliant. The officer will give the log back to the driver to bring it current to the time stopped so the officer can count all hours for the day and the previous 7. This ensures 100% accuracy in checking compliance with Hours of Service.

I hope this clears this up. If you need any more, please let me know. Thanks.