

**TO:** DRIVERS AND STAFF  
**SUBJECT:** NEW PERSONAL CONVEYANCE GUIDANCE  
**DATE:** SEPTEMBER 9, 2020

On May 31, 2018, the FMCSA released new guidance (“Guidance”) regarding the use of personal conveyance. In addition, the FMCSA subsequently released updated Frequently Asked Questions relating to the guidance. This Guidance allows more flexibility for drivers when utilizing their commercial motor vehicles (“CMV”) for personal use, regardless if the CMV is loaded or unloaded. The Guidance specifically allows the use of personal conveyance when a driver exhausts his/her hours at shippers or receivers, and allows the time spent traveling to a nearby, reasonable, safe location to be logged as personal conveyance. **However, the subsequently added Frequently Asked Questions to the Guidance clarifies that a driver may NOT generally use personal conveyance to travel home after delivering a load.** As has always been the case, the Guidance continues to allow motor carriers to place limitations on the use of personal conveyance, up to and including, completely banning the use of personal conveyance. The Guidance, the Frequently Asked Questions document issued by the FMCSA, and the Company’s guidelines with respect to the use of personal conveyance are attached to this memorandum

The Guidance and Frequently Asked Questions document are the guiding principle for our drivers to follow when using personal conveyance, with the further restriction that, **unless a driver has already begun an applicable break (10-hour break or 34-hour reset), a driver must utilize any available Hours of Service before utilizing personal conveyance;** provided, however, that if a driver is unable to arrive at the destination for which the driver is utilizing personal conveyance prior to time expiring, the driver may utilize personal conveyance prior to the movement to avoid having to pull over to make the log change.

The Company cannot enumerate each and every possible permissible or impermissible use of personal conveyance; however, the Company expects the use of personal conveyance to be limited and, where used, such use must meet, at least, the following standards:

1. A driver must not drive while unsafe, ill, fatigued, or otherwise not qualified to drive under the Federal Motor Carrier Safety Regulations or Company policy and procedures.
2. A driver recording time as personal conveyance must be off-duty – relieved from work and all responsibility for performing work by the Company.
3. The distance traveled using personal conveyance must be no more than reasonably necessary for the driver to accomplish his personal needs (i.e. driving to a location to obtain rest, food, etc.). Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading (**including driving home**) must be at the first such location reasonably available. A driver’s logs must be annotated if a driver is unable to park at the nearest location and must proceed onto the next nearest location.
4. The time driving under personal conveyance must allow the driver enough time to obtain adequate rest, which shall be no less than the rest required by the Hours of Service Regulations.

5. A driver must not use personal conveyance to intentionally enhance the operational readiness of the Company, continue a trip, or make other movements in order to fulfill a Company business purpose (i.e. bypassing available resting locations in order to move close to the next loading or unloading point or other scheduled destinations; retrieving another load or repositioning a tractor or trailer, including traveling home or to a terminal location after loading or unloading; or traveling to have vehicle maintenance performed).
6. A driver may utilize personal conveyance regardless if the CMV has an attached trailer and regardless if that trailer is loaded or empty.
7. **Unless a driver has already begun an applicable break (10-hour break or 34-hour reset), a driver must utilize any available Hours of Service before utilizing personal conveyance;** provided, however, that if a driver is unable to arrive at the destination for which the driver is utilizing personal conveyance prior to time expiring, the driver may utilize personal conveyance prior to the movement to avoid having to pull over to effectuate the log change.

Should you have any questions concerning the use of personal conveyance, please contact the Compliance/Log Department at 1-800-998-9100, Options 2 & 3.

**[Guidance, Frequently Asked Questions, and the Company's Personal Conveyance Guidelines found on following pages.]**

## Guidance Language

FMCSA updates the guidance for § 395.8 Driver's Record of Duty Status to read as follows:

Question 26: Under what circumstances may a driver operate a commercial motor vehicle (CMV) as a personal conveyance?

Guidance: A driver may record time operating a CMV for personal conveyance (i.e., for personal use or reasons) as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the carrier at that time. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, this guidance, such as banning use of a CMV for personal conveyance purposes, imposing a distance limitation on personal conveyance, or prohibiting personal conveyance while the CMV is laden.

(a) Examples of appropriate uses of a CMV while off-duty for personal conveyance include, but are not limited to:

1. Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
2. Commuting between the driver's terminal and his or her residence, between trailer drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.

*a. Note: This provision is only applicable to some dedicated fleets where drivers regularly commute between home and these locations before and after work. Traveling home from a shipping or receiving location is generally not considered personal conveyance.*

3. Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR 395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.

*a. Note: According to the FMCSA, driving home after loading or unloading is not generally considered personal conveyance, unless the driver's home is the first such location reasonably available to obtain rest.*

4. Moving a CMV at the request of a safety official during the driver's off-duty time.

5. Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging. In this scenario, the driver of the motorcoach can claim personal conveyance provided the driver is off-duty. Other off-duty drivers may be on board the vehicle, and are not considered passengers.
6. Time spent transporting personal property while off-duty.
7. Authorized use of a CMV to travel home after working at an offsite location.

*Note: According to the FMCSA, the term “offsite location” refers to a location, **other than a carrier’s terminal or a shipper’s or receiver’s facility**, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. As a carrier’s terminal or a shipping/receiving location is not considered an offsite location, a driver cannot utilize personal conveyance to travel home, unless the driver’s home is the first such location reasonably available to obtain rest.*

(b) Examples of uses of a CMV that would not qualify as personal conveyance include, but are not limited to, the following:

1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
  - a. *Note: According to the FMCSA, traveling home from a shipping/receiving location is generally not considered personal conveyance.*
2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.
3. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
  - a. *Note: According to the FMCSA, traveling to a terminal or a driver’s home is considered a continuation of a trip and cannot be considered personal conveyance, unless the terminal or home is the first such location reasonably available to obtain rest.*
4. Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.

5. Time spent transporting a CMV to a facility to have vehicle maintenance performed.
6. After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
7. Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
  - a. *Note: According to the FMCSA, this movement is considered a continuation of a CMV trip and cannot be considered personal conveyance, unless the terminal is the first such location reasonably available to obtain rest.*
8. Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and the driver has been directed to deliver the luggage.

# Personal Conveyance Frequently Asked Questions

## **1. May a driver, who drops his or her last load at a receiver's facility use personal conveyance to return to their normal work location (i.e. home or terminal)?**

No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.

## **2. The guidance allows for "authorized use of a CMV to travel home after working at an offsite location." What is meant by the term "offsite" when used in this context?**

The term refers to a location, other than a carrier's terminal or a shipper's or receiver's facility, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. These remote locations are considered "offsite" locations. Therefore, travel between home and that offsite location is considered commuting time, and qualifies as personal conveyance.

## **3. Is personal conveyance treated any differently when the driver is hauling hazardous materials?**

No. There is no restriction on personal conveyance regarding hazardous materials transportation, provided that the driver complies with provisions of 49 CFR parts 177 and 397.

## **4. Can a driver who claims the short haul exception use personal conveyance?**

Yes, there is no connection between personal conveyance and the short-haul exception. As always, off duty time does not extend the 12-hour duty time limitation.

## **5. How is personal conveyance time calculated in the hours-of-service rules?**

Time spent under personal conveyance is off duty time.

## **6. May a driver use personal conveyance when they run out of available (driving/on-duty) hours?**

No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper's or receiver's facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.

## **7. Are there maximum distance time or distance limits for the use of personal conveyance?**

No. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while fatigued, continues to apply. Therefore, a driver must get adequate rest before returning to driving.



**8. If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?**

No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on duty time.

**9. Can a loaded vehicle be used as personal conveyance?**

Yes. Determining personal conveyance is based on the nature of the movement, not whether the vehicle is laden.

**10. Can personal conveyance time be combined with other off-duty time to complete a 10 or 34-hour break?**

Yes, since PC is off-duty time. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while ill or fatigued continues to apply.

**11. Can a driver be inspected during personal conveyance? If so, what is the driver's duty status during the inspection?**

Yes. Since the driver is still subject to the FMCSRs, the driver or vehicle can be inspected. The driver's duty status would be "on-duty, not driving" during the inspection.



# Personal Conveyance (PC) Guidelines

## What is PC?

PC is the off-duty use of equipment for *personal reasons* when you are relieved from all work and responsibility for performing work. Under current FMCSA guidance, PC can be used *with or without a trailer, and regardless if the trailer is empty or loaded*. However, PC may not be used to advance the “operational readiness” of the Company.

**The Company requires that you utilize your available hours of service before using PC to protect yourself from potential violations due to the gray area in the FMCSA guidance.** Limited exceptions are listed in the FAQ below.

PC should be used sparingly and for short distances. Although no mileage or time restriction policies have been established by the FMCSA or the Company, the Company evaluates all uses of PC, and distances exceeding 30 minutes will be more heavily scrutinized.

Obey the following principles when PC is used: (1) do not drive while unsafe, ill, fatigued, or placed out-of-service; (2) you must be relieved from work and all responsibility for performing work; (3) stop at the **FIRST** reasonably available safe location to accomplish your personal needs; (4) annotate your logs with reasons supporting PC; and (5) obtain adequate rest before returning on-duty.

The following FAQ is meant to assist you with some common PC questions. Please contact the Logs & Compliance Department with further questions.

## Can I use PC to run personal errands while I am off-duty?

Yes. We ask that you leave the trailer in a secure area, bobtail out for errands, and bobtail back to the trailer whenever possible to avoid the appearance of performing on-duty work and ensure the maximum maneuverability of your truck. Put yourself on PC prior to moving to avoid interrupting your 30-minute or 10-hour break. Annotate your logs to support the use of PC.

## I ran out of hours while being loaded or unloaded at the customer, and I am forced to leave. What do I do?

You may use PC to travel to the first safe location reasonably available, regardless if your trailer is loaded or unloaded. The first safe location reasonably available may be in the opposite direction of your next loading or unloading point.

## I have completed loading or unloading at the customer and need to leave, but only have 18 minutes left, and it looks like the closest truck stop is about half an hour away. How do I log this?

You may select PC prior to leaving the customer if you know you don't have enough time to reach the first safe location reasonably available. Do not pull over on the side of the road to change a driving status.

## I'm leaving a customer with 1.75 hours available. Can I use PC?

No. You have hours available and should be able to find a reasonable safe location to park within this time.

## I left the customer this morning and now my day is about to end. I planned to stop at the next available truck stop, but when I arrived the lot was completely full. Now I am out of hours, what do I do?

You may select PC to travel to the next *closest* safe location for break. This change needs to be made in a legal parking location, not on the side of the road.

**May I use PC to go home?**

No. You must use your available hours of service, unless: (1) you regularly commute between a terminal and your home or (2) you run out of hours after loading or unloading and your home is the first reasonably available safe location to obtain rest. According to the FMCSA, "Returning home...from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance." Although the FMCSA guidance allows the use of a CMV to travel home after working at an "offsite" location, the FMCSA has stated that the term "offsite location" refers to "a location, other than a carrier's terminal or a shipper's or receiver's facility, where a driver works for a temporary period for a particular job."

**May I use PC from home to get to the terminal or another location to pick up a load?**

No. This movement enhances the operational readiness of the motor carrier.

**May I use PC to commute between my residence and my terminal?**

If you are on a dedicated fleet (i.e. Wal-Mart) where you regularly commute between your home and terminal, you pick up your load from the terminal, and return your equipment to the terminal at the end of your working day, if you have exhausted your hours or will exhaust your hours prior to your return home, you may use PC to commute home once you return to the terminal and may use PC to return from your home to your terminal. Your commuting distance must allow you enough time to obtain the required restorative rest to ensure you are not fatigued. This movement does not enhance the operational readiness of the motor carrier.

**I'm heading to the customer, but I am also going to take my 10-hour break there. Can I use PC?**

No. Driving to customer locations to load or unload enhances the operational readiness of the Company and is considered on-duty driving.

**I'm heading to the terminal for break. Once there I'm going to check into the shop. Is PC okay to use?**

No. Moving the truck to a terminal other than for personal reasons enhances the operational readiness of the Company. The same is true if you drove to the terminal to retrieve your next load, even if you take your break at the terminal. You may drive to a terminal using PC for personal reasons (1) if it is the first reasonably available location and (2) you are out of hours or you will run out of hours before arriving at the terminal. Dedicated operations that are paid while driving back to the terminal may not use PC.

**I had plenty of time when I started driving again after lunch, but now I've been sitting in traffic for over an hour. I am almost out of my 14 hours and have at least 30 miles to go. Can I switch to PC to avoid going into violation?**

No. Your movement is a continuation of your trip and advances the operational readiness of the Company. The violation cannot be avoided once you are en route and run out of hours due to traffic, weather, or construction. Despite your best planning, these things happen. Do not pull over to the side of the road and switch to PC to avoid a violation. If PC is misused, and then corrected, you may be in a second violation if the incorrect PC segment was included in your break.

**I planned to stop at the truck stop for my break, on the way there I went over my 14 hours by 6 minutes. The lot is full so now I need to keep driving, I've put myself into PC, but can't the Logs & Compliance Department change that 6 minutes to PC, too?**

No. The six minutes is properly logged as on-duty driving if you went over hours while en route to the intended break location. Your logs would reflect a six-minute violation if you were able to park there. The driving segment to the next available break location is properly logged as PC. The Log & Compliance Department will be unable to modify any driving time, including driving time that could have been logged as PC. Therefore, it is important to put yourself on PC prior to driving.