



Personal Conveyance 2018 Field Training



Topics Discussed

- What is Personal Conveyance
- Why the change?
 - Revised Guidance
 - Unchanged Guidance
- § 395.8 Interpretation Question 26
- How to Determine Personal Conveyance
 - Tools and Techniques
- 392.3



Topics to Discuss (Continued)

- Motor carriers' responsibilities
- Drivers' responsibilities
- ELDs, eRODS, and AOBDRDs
- Proper and improper use of personal conveyance
- Personal conveyance and roadside
- Personal conveyance vs off duty

A semi-truck and a bus are shown in the background, partially obscured by the American flag. The truck is on the left, and the bus is in the center. The flag's stars and stripes are visible on the right side.

What is Personal Conveyance?

Personal conveyance is the movement of a commercial motor vehicle (CMV) for personal use while off duty. A driver may record time operating a CMV for personal conveyance as **off-duty** only when the driver is relieved from work and all responsibility for performing work by the motor carrier.



Why the Change?

- 20 year old guidance
- Improve flexibility
- Focus on intent of the movement
 - Why is the vehicle being moved?
 - Laden or unladen
- Consistent application among industry and law enforcement
- List proper use and improper use of personal conveyance



Focus of the Revision

- Intent of the movement
 - Contributing to the motor carrier's operational readiness
 - Is the movement personal in nature?



The Revised Guidance

- Does not establish a mileage restriction on personal conveyance
- Does not alleviate the responsibility of the motor carrier and driver from operating the CMV safely



§ 395.8 Interpretation Question 26

Question 26: 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.



Proper Use of Personal Conveyance

- Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
- 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.
- Time spent traveling to a nearby, safe location to obtain required rest after loading or unloading. The resting location must be the first such location reasonably available.
- Moving a CMV at the request of a safety official when the driver is in a properly designated resting location.



Improper Use of Personal Conveyance

- The movement of a CMV 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.
- Bobtailing or operating with an empty trailer to retrieve another load.
- Repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
- Time spent transporting a CMV to a facility to have vehicle maintenance performed.



Poll Question

You conduct a roadside inspection on a driver using personal conveyance at the time of inspection. The driver just left the shipper and has been in this status for about 10 minutes. The CMV is laden and the driver advises you he is proceeding to a truck stop a couple of miles down the road to begin his rest break. However, you contact the motor carrier and the motor carrier informs you that company policy forbids drivers from using personal conveyance.

Is this driver properly or improperly using personal conveyance?

Questions to Consider When Determining Personal Conveyance



The following are two questions that should be used to determine if time recorded as personal conveyance was off-duty time:

1. Is the driver relieved from work responsibilities by the motor carrier?
2. Are the trip and destination personal in nature?

The top of the slide features a composite image. On the left, a semi-truck is shown in profile. In the center, a bus is visible. On the right, the American flag is partially shown, with its stars and stripes. The title 'Restorative Rest' is overlaid on the right side of this image.

Restorative Rest

The driver and the motor carrier remain responsible for complying with the hours of service and operating the CMV safely.

- Observe the driver's driving behavior
- Interview the driver

Consider 392.3- driving while ill or fatigued



§ 392.3

Section 392.3 prohibits a driver from operating a CMV while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the CMV.



Tools and Techniques

- Supporting Documents
- Driver Interview
- Inspection Notes in Roadside Inspection Report
 - Report to Division Office
- ELD record
 - Location
 - Driver annotation



Motor Carrier's Responsibility

- Company policy on Personal Conveyance
 - Reflect guidance
 - More restrictive
 - Time and/or distance
 - Prohibit laden vehicles from operating under personal conveyance
- Safety



Driver's Responsibility

- Record start and end time of personal conveyance
- Comply with hours of service rules
 - Driving while fatigued

Personal Conveyance & Electronic Logging Devices

- ELD rule requires ELDs to have a personal conveyance feature
 - Personal Conveyance feature; or
 - Driver annotation at the beginning and end

The motor carrier is not required to configure the ELD to use the personal conveyance feature to permit the use of the CMV for personal use.

Personal Conveyance & eRODS

03/01/2018	17:00:00	East Bardstown		251,152	7,539	Logout	ELD
03/01/2018	17:01:00					Diagnostic cleared	ELD

Daily Log: 03/02/2018

CMV Power Unit: RYDER458

Start/End Engine Hours: 0 - 0

Record of Duty Status

Unidentified Driving Time: 0:00:00

Malfunctions: None

CMV VIN: 3AKJGLBG9GHD6094

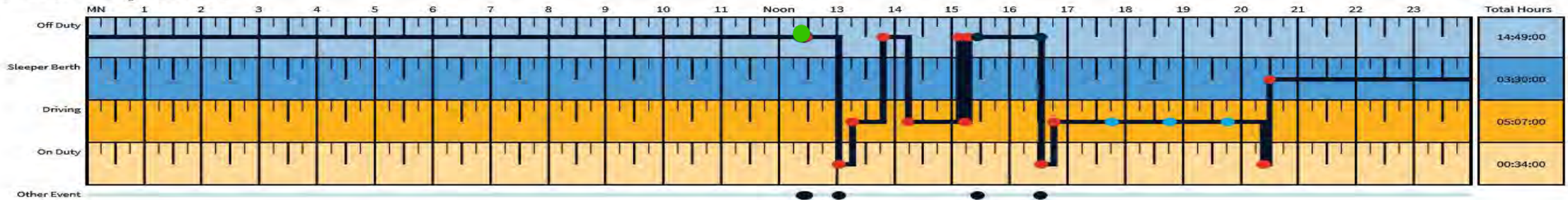
Start/End Odometer: 0 - 0

Certified by Driver: Yes

Data Diagnostics: Missing Element

Shipping Document Number:

Miles Driven: 0



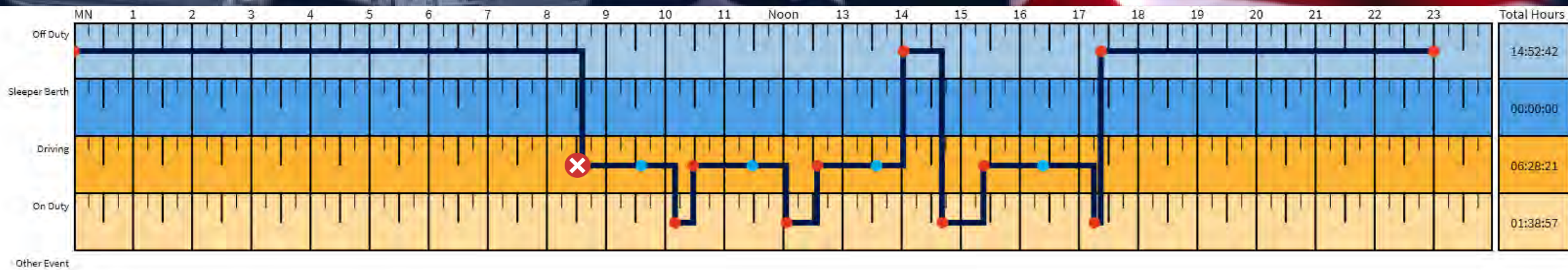
Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
03/02/2018	12:25:00	3mi WSW KY East Bardstown	37.81, -85.45			Shut-down	ELD
03/02/2018	12:25:00	3mi WSW KY East Bardstown	37.81, -85.45			Power-up	ELD
03/02/2018	12:27:00	3mi WSW KY East Bardstown	37.81, -85.45	251,152	7,540	Login	ELD
03/02/2018	12:27:00	3mi WSW KY East Bardstown	37.81, -85.45			PC	Driver
		Going shopping					

Personal Conveyance & eRODS (Continued)

03/02/2018	12:27:00	5mi WSW KY East Bardstown	37.8, -85.5			Off-duty	Driver
		Going shopping					
03/02/2018	12:28:00					Diagnostic logged	ELD
03/02/2018	13:02:00					First certification	ELD
03/02/2018	13:02:00					Diagnostic cleared	ELD
03/02/2018	13:02:00	1mi W KY Botland	37.78, -85.4			PC/YM Cleaed	Driver
03/02/2018	13:02:00	1mi W KY Botland	37.78, -85.4			On-duty, not driving	Driver
		INSPECTION COMPLETED: U93306					
		INSPECTION COMPLETED: RYDER458; U93306					
03/02/2018	13:16:00	2mi WSW KY East Bardstown	37.82, -85.44			Driving	ELD
03/02/2018	13:48:00	6mi WSW KY Lovvorn (historical)	38.06, -85.7			Off-duty	Driver
03/02/2018	14:14:00	6mi WSW KY Lovvorn (historical)	38.06, -85.7			Driving	ELD
03/02/2018	15:08:00	1mi S IN Austin	38.75, -85.81			Off-duty	Driver
03/02/2018	15:14:00	1mi S IN Austin	38.75, -85.81			Driving	ELD
03/02/2018	15:18:00	1mi S IN Austin	38.75, -85.81			Off-duty	Driver
03/02/2018	15:27:00	1mi S IN Austin	38.75, -85.81		7,542	Shut-down	ELD
03/02/2018	16:32:00	1mi S IN Austin	38.75, -85.81	251,238		Power-up	ELD
03/02/2018	16:33:00	1mi S IN Austin	38.75, -85.81	251,238		On-duty, not driving	Driver

Personal Conveyance & eRODS (Continued)



All Events Potential Violations CMVs ELD Users

Date	Time	Location	Odometer	Eng Hours	Event Type/Status	Origin
03/20/2018	00:00:00	IL McCook			Off-duty	Driver
03/20/2018	08:00:14				First certification	ELD
03/20/2018	08:35:51	IL Bedford Park			Driving	ELD
03/20/2018	09:35:51	2mi W IL Elwood			Intermediate log	ELD
03/20/2018	10:09:58	1mi S IL Oak Lane			On-duty, not driving	ELD
03/20/2018	10:28:29	1mi S IL Oak Lane			Driving	ELD
03/20/2018	11:28:29	1mi NW IL South Barrington			Intermediate log	ELD
03/20/2018	12:03:14	2mi NE IL Holcombville Corners			On-duty, not driving	ELD

Event Detail

Type:	Driver's duty status changed to "Driving"
Date/Time:	03/20/2018 08:35:51, CDT (UTC-5)
Location:	IL Bedford Park
Location Coordinates:	41.76, -87.8
Record Origin:	Automatically recorded by ELD
Record Status:	Active
Sequence #:	09D9
Malfunction:	No
Data Diagnostic:	No
Unidentified Driver:	No

Annotations

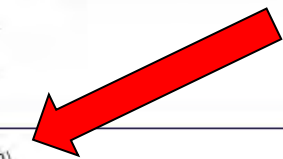
Authorized personal use of the vehicle from 8:35 to 10:09am (040478)

CMV

Power Unit #:	159045
VIN:	4V4MC9GF67N397190 (Manual)
Elapsed Engine Hours:	99.9
Accumulated Vehicle Miles:	9999
Total Engine Hours:	
Total Vehicle Miles:	

User

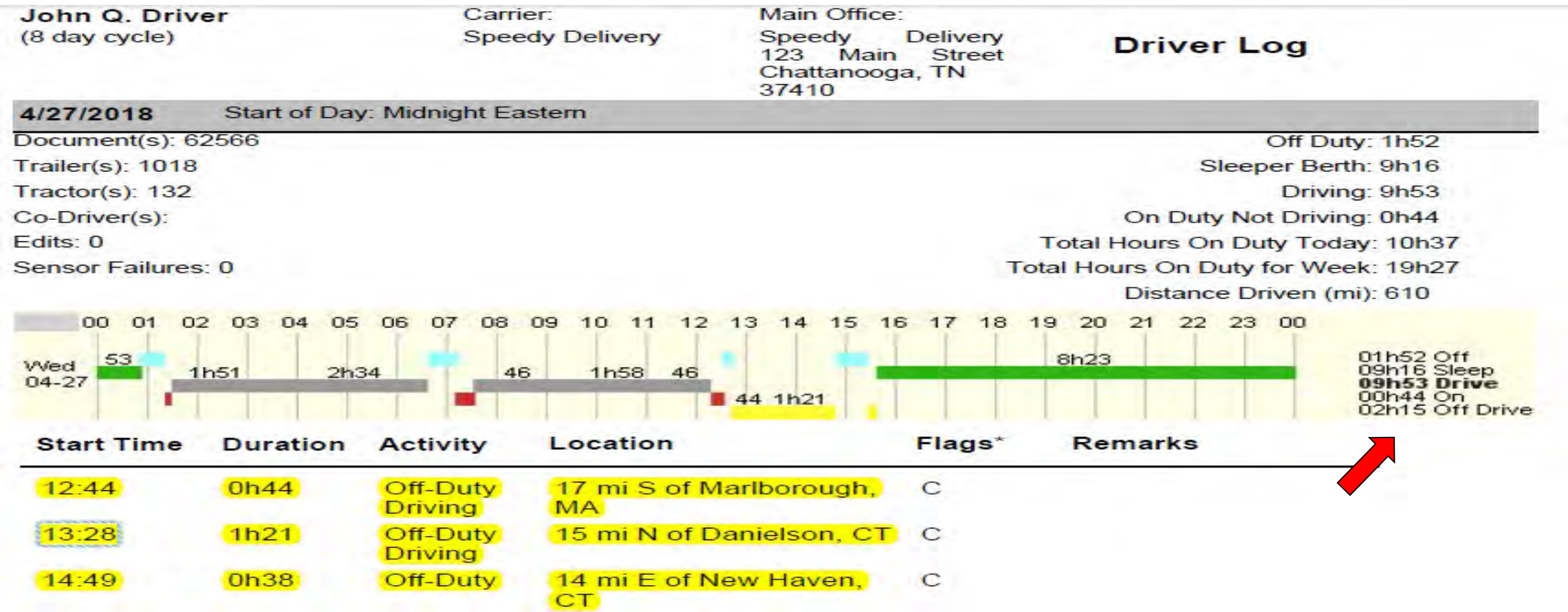
Name:	David Smith
Type:	Driver



Personal Conveyance and Automatic On-Board Recording Devices (AOBRDs)

AOBRDs are permitted have a fifth line that referenced personal conveyance.

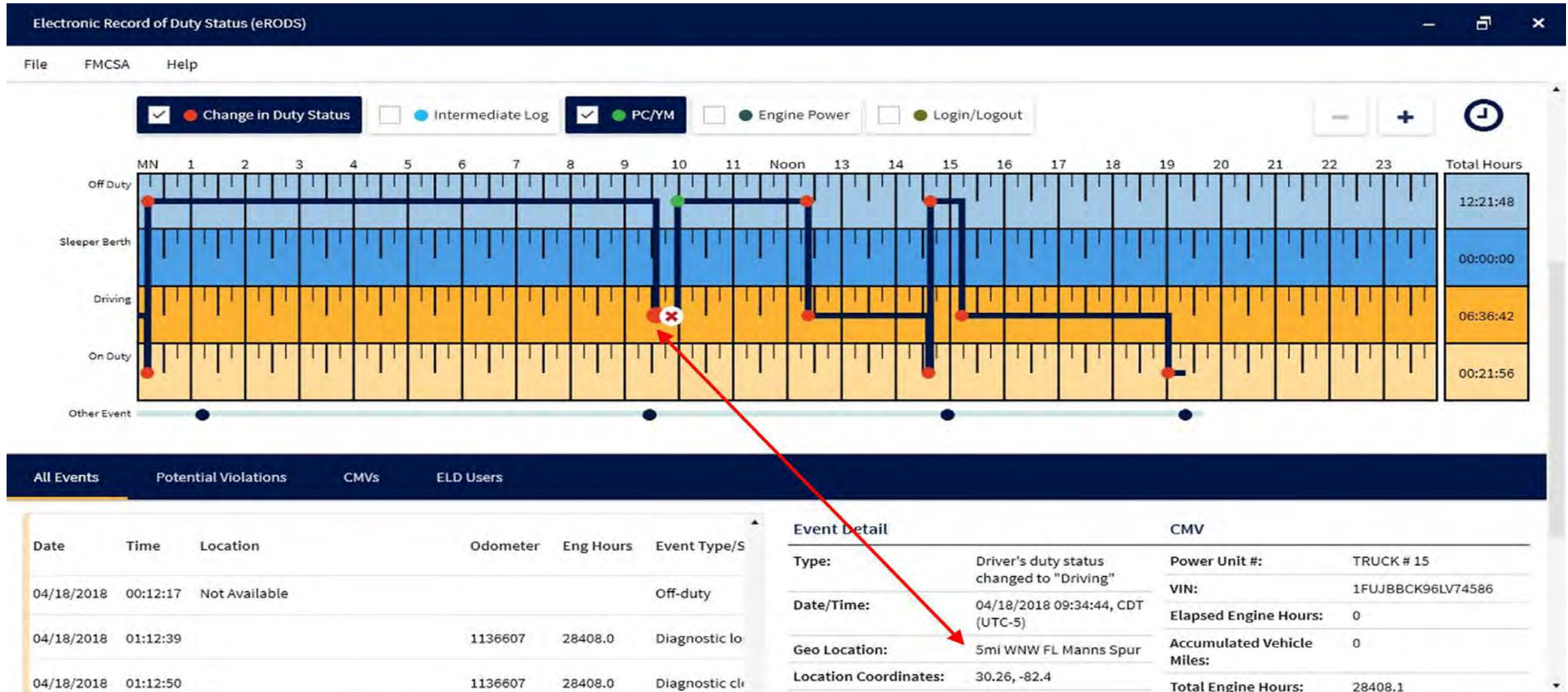
Omnitracs/Qualcomm





Improper and Proper use of Personal Conveyance?

Is this Proper Use of Personal Conveyance?



Is this Proper Use of Personal Conveyance? Continued



Electronic Record of Duty Status (eRODS)

File FMCSA Help

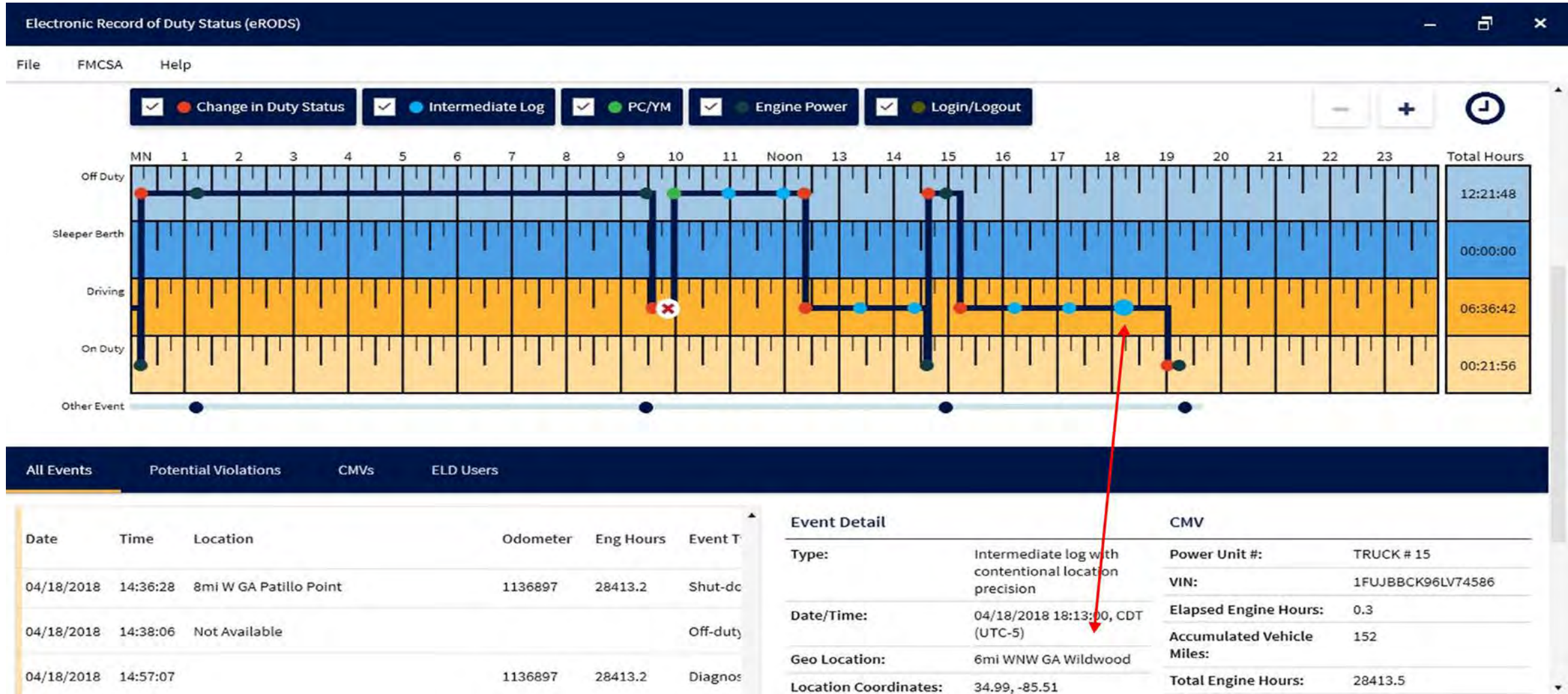
Change in Duty Status
 Intermediate Log
 PC/YM
 Engine Power
 Login/Logout

	MN	1	2	3	4	5	6	7	8	9	10	11	Noon	13	14	15	16	17	18	19	20	21	22	23	Total Hours
Off Duty																									12:21:48
Sleeper Berth																									00:00:00
Driving																									06:36:42
On Duty																									00:21:56
Other Event																									

All Events						Potential Violations	CMVs	ELD Users
Date	Time	Location	Odometer	Eng Hours	Event Type/S			
04/18/2018	09:58:25	Not Available	1136630	28408.5	PC			
04/18/2018	09:58:25	Not Available	1136630	28408.5	Off-duty			
04/18/2018	10:58:25	2mi WNW GA Hahira	1136692	28408.1	Intermediate			

Event Detail		CMV	
Type:	Intermediate log with reduced location precision	Power Unit #:	TRUCK # 15
Date/Time:	04/18/2018 11:58:25, CDT (UTC-5)	VIN:	1FUJBBCK96LV74586
Geo Location:	4mi WSW GA Vanceville	Elapsed Engine Hours:	2.1
Location Coordinates:	31.4, -83.5	Accumulated Vehicle Miles:	117
		Total Engine Hours:	28410.199999999997

Is this Proper Use of Personal Conveyance? Continued





Resources to Help Determine if the Driver is Properly Using Personal Conveyance

- Interview Driver and or Motor Carrier
- Bill of Lading or other supporting documents in driver's possession
- 395.11 requires drivers to produce supporting documents during a roadside inspection
- Mapping Software (Google Maps or PC Miler)

Interview the Driver and or Motor Carrier

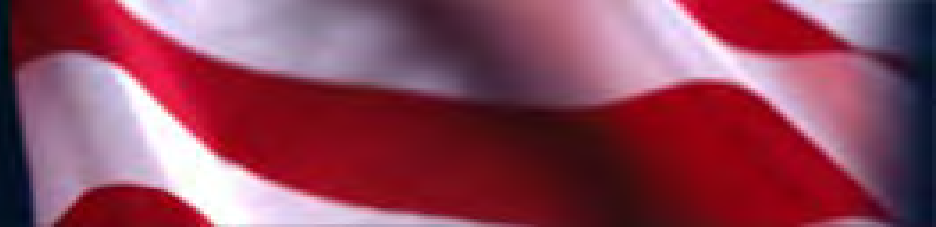
Driver Questions

- Where are you coming from / where did you pick up your load?
- Where are you delivering the load?
- Do you have your bill of lading or any supporting documents?
- Why are you operating under personal conveyance?

(Specify the date and time of the personal conveyance that your are referring to).



Bill of Lading



STRAIGHT BILL OF LADING - SHORT FORM Not Negotiable
B/L No. 29767

RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing between the carrier and shipper. If applicable, otherwise to the rates, classifications and rules that have been established by the carrier and are available to the shipper upon request.

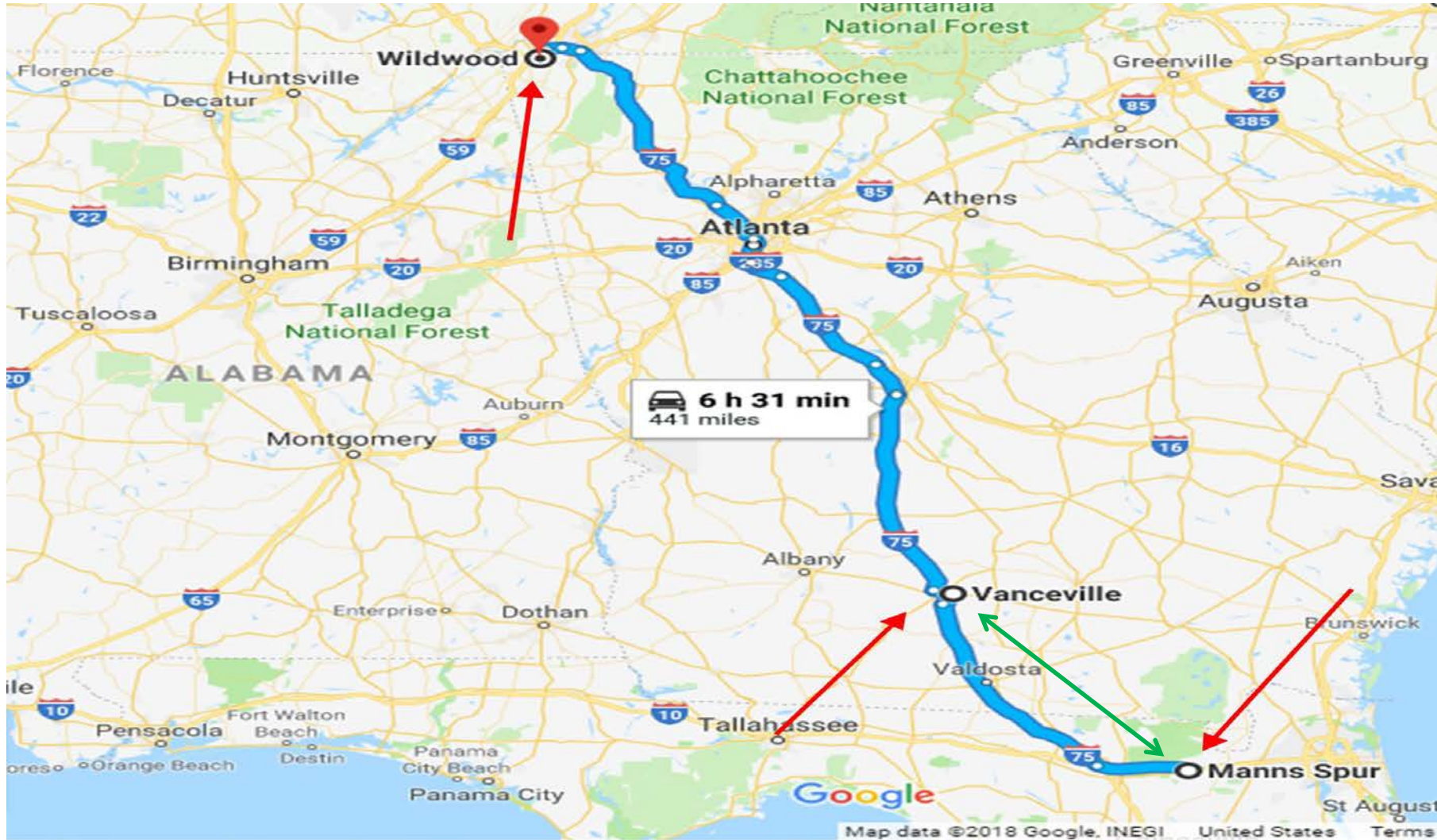
The property described below in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and delivered as indicated below, which said carrier/the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of, said property over all or any portion of said route to destination and as to each party at any time intended in all or any said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

Scrap Metal LLC - Pompano Pompano Beach, FL 33069		Shipper's Order No. 16849
		Seal No. 7346028 /
		Vehicle Identification: 157/157
Sold To [Redacted] Corporation St. Louis, MO 63146	Ship To [Redacted] Corporation	
Purchase Order No. 1077233	FOB:	
DATE 4/17/18	FROM Pompano Beach, FL 33069	Carrier
Description / Number of Articles, Special Marks, Exceptions 6063 IRONY EXTRUSION SCRAP 5% FE 0		Prepaid or Collect Prepaid Weight Subject to Correction 40,260 lb

Driver picks up load on previous day, going from Florida to Missouri

Mapping Software

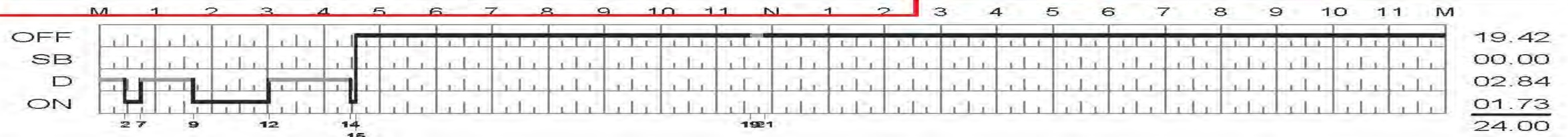


Driver claimed PC between Manns Spur, FL, and Vanceville, GA.



Improper Use of Personal Conveyance

Driver	George Smith	ID	249	Co-Drivers	
Driver License	K0812345789, OK			Exempt Driver	No
Distance	132 mi			Engine Hours	41759.1 - 41764.8
Odometers	1,209,594 - 1,209,751			Shipping Docs	74142
Current Location	18.9 mi N of Duncan, OK			24-Period Starting	Midnight
Data Diag. Indicators	No			ELD Malfn. Indicators	No
ELD ID	KTIELD				
Vehicles and VINs	248 (1FUJAPAV47DX39808)				
Trailers	T-104				
Carrier and DOT#	ABC TRUCKING LLC (1756789)				
Main Office	123 Main st, RUSH SPRINGS, OK, 73082				
Home Terminal	123 Main st, Rush Springs, OK, 73082				



No.	Status	Start (CDT)	Duration	Location	Engine	Odo	Notes
1	Driving ELD	12:00:00 AM	27 min 40 sec	36.4 mi W of Enid, OK	41759.1	1,209,594	
2	On Duty Driver	12:27:40 AM	17 min 17 sec	Enid, OK	41760.1	1,209,639	
3	Engine Shutdown	12:28:16 AM	-	Enid, OK	41760.1		
4	Engine Power Up	12:28:29 AM	-	Enid, OK	41760.1		
5	Engine Shutdown	12:30:24 AM	-	Enid, OK	41760.2		
6	Engine Power Up	12:30:31 AM	-	Enid, OK	41760.2		
7	Driving ELD	12:44:57 AM	55 min 21 sec	Enid, OK	41760.4	1,209,639	
8	Int Location	1:14:58 AM	-	25.7 mi NW of Piedmont, OK	41761		
9	On Duty Driver	1:40:18 AM	1 hr 20 min 49 sec	11.1 mi N of El Reno, OK	41761.4	1,209,684	
10	Engine Shutdown	2:04:34 AM	-	11.1 mi N of El Reno, OK	41761.8		
11	Engine Power Up	2:04:42 AM	-	11.1 mi N of El Reno, OK	41761.8		
12	Driving ELD	3:01:07 AM	1 hr 27 min 31 sec	11.1 mi N of El Reno, OK	41762.7	1,209,684	
13	Int Location	3:31:08 AM	-	7.6 mi W of Tuttle, OK	41763.2		
14	On Duty Driver	4:28:38 AM	5 min 53 sec	18.8 mi N of Duncan, OK	41764.1	1,209,746	PTI

15	Off Duty Driver	4:34:31 AM	7 hr 1 min 51 sec	18.8 mi N of Duncan, OK		
16	Engine Shutdown	4:46:53 AM	-	18.8 mi N of Duncan, OK	41764.4	
17	Engine Power Up	11:30:24 AM	-	18.8 mi N of Duncan, OK	41764.4	
18	PC Started	11:36:22 AM	-	18.8 mi N of Duncan, OK	41764.5	
19	Off Duty ELD Pers Conv	11:36:22 AM	16 min 9 sec	18.8 mi N of Duncan, OK	41764.5	1,209,746
20		11:52:31 AM	-	12.9 mi N of Duncan, OK	41764.8	
21	Off Duty Driver	11:52:31 AM	12 hr 7 min 29 sec	12.9 mi N of Duncan, OK	41764.8	1,209,751
22	Engine Shutdown	11:52:35 AM	-	12.9 mi N of Duncan, OK	41764.8	
23	Cert	Apr 06 8:42:00 AM	-			

Driver logs PC and travels short distance home

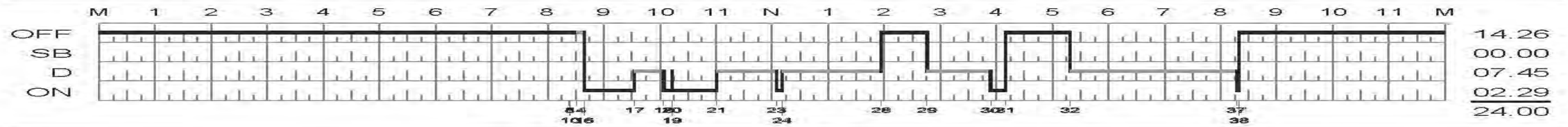
		Recap						
		3/29	3/30	3/31	4/01	4/02	4/03	4/04
		0.00	0.00	0.00	0.00	8.47	8.09	5.55
Total Hours Since Restart		22.12						
Hours Available Today		47.88						
Hours Worked Today		4.58						

I certify that these entries are true and correct



Driver Signature

Driver	George Smith	ID	249	Co-Drivers	
Driver License	K0812345789, OK			Exempt Driver	No
Distance	341 mi			Engine Hours	41764.8 - 41776.8
Odometers	1,209,751 - 1,210,093			Shipping Docs	None.
Current Location	18.9 mi N of Duncan, OK			24-Period Starting	Midnight
Data Diag. Indicators	No			ELD Malfn. Indicators	No
ELD ID	KFIELD				
Vehicles and VINS	248 (1FUJAPAV47DX39808)				
Trailers	801072				
Carrier and DOT#	ABC TRUCKING LLC (1756789)				
Main Office	123 Main St., RUSH SPRINGS, OK, 73082				
Home Terminal	123 Main St., Rush Springs, OK, 73082				



No.	Status	Start (CDT)	Duration	Location	Engine	Odo	Notes
1	Off Duty Driver	12:00:00 AM	8 hr 23 min 29 sec	12.9 mi N of Duncan, OK	41764.8	1,209,751	
2	Engine Power Up	8:02:58 AM	-	12.9 mi N of Duncan, OK	41764.8		
3	Engine Shutdown	8:04:21 AM	-	12.9 mi N of Duncan, OK	41764.8		
4	Engine Power Up	8:21:49 AM	-	12.9 mi N of Duncan, OK	41764.8		
5	Engine Shutdown	8:23:12 AM	-	12.9 mi N of Duncan, OK	41764.9		
6	Engine Power Up	8:23:13 AM	-	12.9 mi N of Duncan, OK	41764.9		
7	PC Started	8:23:29 AM	-	12.9 mi N of Duncan, OK	41764.9		
8	Off Duty ELD Pers Conv	8:23:29 AM	15 min 20 sec	12.9 mi N of Duncan, OK	41764.9	1,209,751	Driver returns back to his Home Terminal
9		8:38:49 AM	-	18.8 mi N of Duncan, OK	41765.2		
10	Off Duty Driver	8:38:49 AM	5 min 7 sec	18.8 mi N of Duncan, OK	41765.2	1,209,757	
11	Engine Shutdown	8:38:50 AM	-	18.8 mi N of Duncan, OK	41765.2		
12	Engine Power Up	8:43:57 AM	-	18.8 mi N of Duncan, OK	41765.2		



Motor Carrier Interview

- Does the motor carrier allow personal conveyance?
 - Ask the motor carrier to explain their personal conveyance company policy
- Why did the driver operate under personal conveyance at this time?



Proper Use of Personal Conveyance



Personal Conveyance Vs Off Duty

The following are things to consider when determining the driver is operating under personal conveyance or is off duty:

- Unladen (not contributing to commerce/not under the direction of the motor carrier)
- Vehicle is not subject to the FMCSRs



Personal Conveyance at Roadside

- Can an inspector inspect a driver that is operating under personal conveyance?

Yes, as long as the vehicle is subject to the FMCSRs

- Must the driver change their duty status from personal conveyance to on duty not driving during the inspection?

No, the driver should remain on personal conveyance status during the inspection



Personal Conveyance at Roadside (Continued)

- If during the inspection the inspector discovers vehicle violations can the driver continue to operate the vehicle under personal conveyance?

If the violation is not an out of service violation then the driver can continue to operate the vehicle under personal conveyance. If the violation is an out of service violation then the driver cannot continue to operate the vehicle.



Poll Question

You conduct a roadside inspection on a driver using personal conveyance at the time of inspection. The driver is five hours into a 10-hour rest break, just left his trailer at a truck stop he was resting at, and advises you he is bobtailing the truck-tractor to a sheltered area a couple of miles away because of an incoming thunderstorm with potential tornado activity.

Do you think this is a proper or improper usage of personal conveyance?



Summary

- Using PC while laden or unladen = no longer a consideration as long as transportation is personal in nature.
- No mileage restrictions; 392.3 fatigued driving rule applies; drivers using PC to get safe rest area must stop at first reasonable location.
- PC feature on ELD does not have to be enabled for use of PC.
- Driver remains off-duty if roadside inspection occurs while driver is properly using PC.
- Drivers cannot use PC while they or their CMV are subject to OOS order.

Personal Conveyance Resources



FMCSA Personal Conveyance Website:

<https://www.fmcsa.dot.gov/regulations/hours-service/personal-conveyance>

- List of proper and improper uses of personal conveyance

Email: MCPSD@dot.gov