



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-2080]

Agency Information Collection Activities; New Information Collection: Hours of Service of Drivers; Pilot Program to Allow Commercial Drivers to Split Sleeper Berth Time

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. This notice invites comments on a proposed information collection titled *Hours of Service of Drivers: Pilot Program to Allow Commercial Drivers to Split Sleeper Berth Time*. This research study will collect data on commercial motor vehicle (CMV) drivers to examine whether more-flexible sleeper berth (FSB) options improve the working conditions and quality of life of America's truck drivers and result in an equivalent or greater level of safety relative to operations under the current regulations. Approximately 256 CMV drivers will provide data in the study. The study will provide FMCSA with data to examine driver fatigue and driving performance while operating under current hours of service (HOS) regulations and while operating under FSB exemptions.

DATES: Comments on this notice must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2026-2080 using any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail: Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, Washington, DC 20590-0001.
- Hand Delivery or Courier: Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, Washington, DC, 20590-0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- Fax: (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Samuel White, Research Division, DOT, FMCSA, 1200 New Jersey Avenue SE, West Building, 6th Floor, Washington, DC 20590-0001; 202-366-3068; Samuel.White@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions:

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments:

If you submit a comment, please include the docket number for this notice (FMCSA-2026-2080), indicate the specific section of this document to which your

comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2026-2080/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act:

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>. The comments are posted without edits and are searchable by the name of the submitter.

Background:

HOS is a high-priority topic for FMCSA. Addressing driver fatigue, which is a serious safety concern for our nation’s truck drivers and those who share the road with them, is at the heart of HOS regulations. Previous research has shown that driver fatigue is associated with an increased risk of being involved in a safety-critical event and may

be involved in over 30 percent of fatal CMV crashes. As a result, the HOS regulations are designed to limit the number of driving hours within a 24-hour period and across a 7- or 8-day window. Additionally, the HOS regulations include some flexibility for drivers using a sleeper berth.

As described in Title 49 of the Code of Federal Regulations (CFR) 395.1(g)(1), a driver who operates a property-carrying CMV who uses the sleeper berth to obtain the off-duty time required by § 395.3(a)(1) must accumulate at least 10 hours of off-duty time before starting a work shift. The 10 hours may either be accumulated consecutively, or alternatively, split into one consecutive period of at least 7 hours in the sleeper berth and a second period of at least 2 consecutive hours of time in the sleeper berth, off-duty time, or any combination thereof, provided that the total of the periods is at least 10 hours. In practice, this allows drivers to choose between a “7/3” split or an “8/2” split of sleeper berth time, or any gradation in between.

While regulations that provide a prescriptive scope on a truck driver’s workday are essential, they may be viewed as onerous in some circumstances. HOS provisions that allow CMV drivers to split sleeper berth time in more flexible ways may be a viable option to improve or sustain driver alertness while giving drivers greater operational flexibility. In fact, the American Trucking Associations and the Minnesota Trucking Association submitted a joint proposal for a “flexible sleeper-berth pilot program” to FMCSA for consideration in 2013.

In 2010, the Agency held three listening sessions intended to solicit comments and information on potential HOS regulations (see 75 FR 285, Jan. 5, 2010; 75 FR 2467, Jan. 15, 2010; and 75 FR 9376, Mar. 10, 2010). Many drivers said they would like some regulatory flexibility (i.e., an exemption from consolidated sleeper berth time) to be able to sleep when they get tired or as a countermeasure to traffic congestion. Although the Agency’s 2011 HOS final rule (76 FR 81134, Dec. 27, 2011) did not include a provision

allowing sleeper berth time to be taken non-consecutively (“split”), FMCSA determined that the issue should be explored in greater depth to determine whether additional flexibility would achieve an equivalent or improved level of safety relative to compliance with the current regulations.

Additionally, FMCSA has conducted several studies to explore the topic of split sleep. Past research on how split sleep periods may affect driver performance, fatigue, and quality and quantity of sleep suggests that sleep split into multiple segments is restorative, does not negatively affect daytime “neurobehavioral performance” when compared to a consolidated sleep period of the same total duration, and does not negatively impact performance when implemented strategically. More recent studies provide evidence that the circadian rhythm affects fatigue more than splitting sleep does, and that splitting sleep may be more beneficial than sleeping in a single rest period during daylight hours.

In response to Executive Order (E.O.) 14286, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers,”¹ the U.S. Secretary of Transportation announced a new pilot program designed to improve drivers’ working conditions and quality of life by providing more flexibility in how drivers may split sleeper berth time. The FSB Pilot Program will provide participating drivers with an exemption that reduces the longer period in the sleeper berth to a minimum of 5 consecutive hours. This will allow participating drivers to utilize a “5/5” split, “6/4” split, or any split in between to obtain the equivalent of 10 consecutive hours off-duty.

As such, this study will assess the safety and performance impacts of additional flexibility for CMV drivers to use split sleeper berth periods. Specifically, the study will

¹ The E.O. is available at <https://www.whitehouse.gov/presidential-actions/2025/04/enforcing-commonsense-rules-of-the-road-for-americas-truck-drivers/>.

collect multiple sources of data to examine driver fatigue and driving performance while operating under current HOS regulations and while operating under FSB exemptions.

The study includes data collection via pre- and post-study surveys, psychomotor vigilance tests (PVTs), subjective sleepiness ratings, a wrist actigraphy device, drivers' record of duty status (RODS), and a non-intrusive telematics device. These data will provide information on drivers' schedules, the use of FSB exemptions, fatigue, and driving performance. This information will allow FMCSA to assess whether additional flexibility in how sleeper berth time may be split achieves a level of safety equivalent to that which would be achieved absent the regulatory relief. After agreeing to participate in the study, drivers will participate in the study for 16 weeks.

Eligibility to participate will be based on carrier and driver safety records. A motor carrier's participation in the pilot program shall be contingent upon the carrier meeting the following eligibility criteria:

1. Must have applicable interstate operating authority and registration;
2. Must have the minimum levels of financial responsibility under 49 CFR part 387, if applicable;
3. Must not be a high or moderate risk carrier, as defined in the Agency's *Federal Register* notice titled "Notification of Changes to the Definition of a High-Risk Motor Carrier and Associated Investigation Procedures" (81 FR 11875, Mar. 7, 2016);
4. Must not have an "Unsatisfactory" safety rating;
5. Must not have any FMCSA enforcement actions within the past 3 years;
6. Must not have a driver out of service (OOS) rate above the National average; and
7. Must not have a vehicle OOS rate above the National average.

In addition, unpaid civil penalties may be grounds for exclusion from participating in the pilot program.

Further, motor carriers participating in the pilot program would be required to:

- Grant permission for drivers to participate in the pilot program;
- Agree to comply with all pilot program procedures;
- Grant permission for the Virginia Tech Transportation Institute to gather RODS information for each participating driver throughout the study duration; and
- Grant permission for drivers participating in the study to operate under the applicable exemption.

A driver would not be eligible for participation in the pilot program if the driver is identified in FMCSA's Drug and Alcohol Clearinghouse, regardless of whether the driver has completed the return-to-duty process, or during the 2-year period immediately preceding the date of participation, the driver had his or her license suspended, revoked, cancelled, or has been disqualified for a conviction of one of the disqualifying offenses listed in § 383.51. In addition, drivers would be required to:

- For the purposes of the study, operate the same CMV (equipped with a sleeper berth) as operated for their main source of employment and regularly use the sleeper berth;
- Possess a valid commercial driver's license;
- Maintain a valid medical certificate from a healthcare professional on the Agency's National Registry of Certified Medical Examiners while participating in the pilot program;
- Be employed by a motor carrier who has been approved for participation in the pilot program and/or certify as an owner-operator;
- Agree to the release of specific information to FMCSA for purposes of the pilot; and

- Agree to comply with all study procedures, including the use of actigraphs and RODS.

FMCSA would also reserve the right to exclude from participation any driver whom the Agency believes has a safety history incompatible with the interests of the pilot programs.

The study will use a convenience sampling approach, where participating carriers and drivers volunteer to participate. This is expected to attract drivers who are likely to use the exemption, which is key to obtaining sufficient data during the exemption period and maximizing statistical power for analyses. However, the sample of drivers will be drawn from carriers who are representative of the overall distribution of carrier sizes in the population of interstate motor carriers utilizing drivers beyond a 100-mile radius. A total of 256 CMV drivers will participate in this study.

The “method of comparison” for the “safety analysis plan” will vary depending on the data, but may include t -tests, χ^2 tests, other inferential/descriptive statistics, and/or qualitative analyses to include case narratives (e.g., for crash events). To make effective comparisons between drivers operating in compliance with the current regulations and drivers operating under the conditions of the exemption, the study has been structured as a within-subjects research design, which will compare data for the same drivers operating under both conditions.

Title: Hours of Service of Drivers: Pilot Program to Allow Commercial Drivers to Split Sleeper Berth Time

OMB Control Number: 2126-00XX.

Type of Request: New ICR

Respondents: CMV drivers

Estimated Number of Respondents: 256 CMV drivers

Estimated Time per Response: Varies depending on the task, 16.68 total hours per respondent over 16 weeks

Expiration Date: This is a new ICR.

Frequency of Response: Daily

Estimated Total Annual Burden: 4,270.92 hours

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole S. Michel,
Acting Associate Administrator
Office of Research and Registration.