

“Ask The Law”™ offers Q & A’s

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Submit your questions to www.AskTheLaw.org.

34-HR Restart, R/R Tracks, Ill or Fatigued and Colored Lights questions answered by law enforcement officials as of June 2011

Warning: Laws are subject to change without notice.

These interpretations were made on May 11, 2011.

Hope to see you in Las Vegas

Please join our Ol’ Blue, USA “Safety Center”® at the [Great West Truck Show](#) in Las Vegas, NV on June 9, 10 & 11. We are pleased to announce that Trooper Elmer Johnson and his team, from the Nevada Highway Patrol will be joining us in Las Vegas again this year. Visit our Website at www.SafetyTour.org for more details.

Number of Days Driving Between Restarts

Q: If a driver takes 34 hours off and then drives 1,500 miles to get home, then takes 24 hours off, how many days can he drive before having to take another 34 hours off?
Thanks – Bill in Indiana

A: Provided by **Jim Brokaw**, formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:

49 CFR 395.3 addresses hours of service of drivers and sets the maximum driving time for property-carrying vehicles. Assuming your company operates every day, you are limited to 70 on-duty hours in an 8-day period and 14 on-duty hours a day. At this rate, you will accumulate 70 on-duty hours in just five days. So, following a 34-hour break, the maximum number of days you can drive is five before you have to take another 34 hours off.



Stopping on Railroad Tracks

Q: One of my weekly stops requires me to cross some busy railroad tracks and then immediately come to a stop sign. If I stop at the stop sign my 53’ trailer blocks all the tracks. I’ve had some close calls here, and usually just roll through the stop to avoid a catastrophe. Going another way is not an option. Got any advice? Thanks – Larry in California.

A: Provided by **Sgt. Pete Camm (Ret.)**, California Highway Patrol, Sacramento, California:

Your scenario is the subject of catch-22 debates within commercial and law enforcement communities since the mid-1990s. Subsequent to several highly publicized CMV vs train collisions, the FHWA, OMC conducted a study



and each state was supposed to submit diagrams of problematic railroad highway grade crossings. A number of towns grew up around railroads and many built dirt stage coach/wagon roads paralleling tracks. Stagecoach roads morphed into current day paved roads during the 1930s, '40s and '50s. Stagecoaches and horses are not nearly as long as CMVs towing 53' or longer trailers and CMVs are much longer today than in the middle of the 1900s. While I cannot condone breaking any law, common sense from both commercial drivers' and law enforcement's standpoint is a mutual solution for now.

Operating a CMV when Ill or Fatigued

Q: Back in 2001, I received my first CDL while living in California. I remember a section in the handbook that stated "duty of the driver" - A driver must pull them self from duty if the driver feels that they are unfit for duty. I was wondering if this is a nation wide thing or just in California as I have moved to Texas and now have my Texas license. Thanks for your time and God Bless, Darrel in Texas.

A: Provided by Senior **Trooper Monty Dial (Ret.)**, Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



There is a section that states a driver shall not operate a commercial vehicle if the driver is ill or fatigued. That can be found in Part 392.3

Colored Lights on the Back of My CMV

Q: Is the use of green lenses on the back of the cab legal? I always thought that as long as they were not blue, they could be used. Thank you in advance – Ken in California

A: Provided by **Ofc. Amy Bachelor**, California Highway Patrol, Commercial Vehicle Section, Sacramento, California:



Federal Motor Regulations 393 subpart B require all lighting equipment meet the installation and performance requirements contained in Federal Motor Vehicle Safety Standard (FMVSS) #108.

FMVSS does not have a provision for any colored lights; therefore green lights are not allowed. In California, Vehicle Code Section 24003 does not allow lighting unless required or permitted.

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The Ask The Law™ programs, which are provided as a public service by Ol' Blue, USA™, are an ongoing educational effort between Ol' Blue, USA and commercial law Enforcement agencies. The specific purpose is to have truckers contact Ol' Blue, USA and pose questions to law enforcement officials relating to safety and legal issues concerning commercial vehicles. Truckers may submit questions at www.askthelaw.org .

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