



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

**1200 New Jersey Ave, SE
Washington, DC 20590**

Hours of Service Waiver for the Transportation of Gasoline and Diesel Fuel

September 16, 2026

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

ACTION: Grant of waiver.

SUMMARY: FMCSA grants a waiver from certain regulations applicable to motor carriers and drivers operating commercial motor vehicles (CMVs) in interstate commerce to transport gasoline and diesel fuel. The Agency grants this waiver in anticipation of the need for greater hours-of-service flexibility for motor carriers transporting fuel during the last weeks of the summer and most of the fall if the demand for fuel increases above the levels experienced earlier in the year.

DATES: This waiver is effective September 16, 2026, and expires on December 16, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. LaTonya Mimms, Division Chief, Driver and Motor Carrier Operations, Office of Policy, MCPSD@dot.gov, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590- 0001.

Legal Basis

The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, § 4007, 112 Stat. 107, 401, June 9, 1998) provides the Secretary of Transportation (the Secretary) authority to grant a waiver that relieves a person from compliance, in whole or in part, with any of the Federal Motor Carrier Safety Regulations (FMCSRs) issued under either 49 U.S.C. 31136 or Chapter 313 of Title 49 of the United States Code (49 U.S.C. 31136(e), 31315(a)). The Secretary must make a determination that the waiver is in the public interest and that it is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver. Waivers may be granted only for nonemergency and unique events for a period not in excess of three months. TEA-21 authorizes the Secretary to grant waivers without requesting public comment and without providing public notice.

The Administrator of FMCSA has been delegated authority under 49 U.S.C. 113(f) and 49 CFR 1.87(e) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313, relating to CMV operators, and 49 U.S.C. chapter 311, subchapters I and III, relating to CMV programs and safety regulations.

Background

Adequate gasoline and diesel supplies are critical to the movement of people, products, and supplies as well as the harvesting and transport of agricultural crops. About 29% of total U.S. energy consumption in 2025 was for transporting people and goods from one place to another based on annual reports from the U.S. Department of Energy, Energy Information Administration. Petroleum products accounted for about 89% of the total U.S. transportation sector energy use. Gasoline is the dominant transportation fuel in the U.S., followed by distillate fuels (mostly diesel fuel) and jet fuel. In consideration of the critical need for timely and efficient distribution and delivery of gasoline and diesel fuel and current global supply chain disruptions, FMCSA believes limited, temporary hours of service flexibility should be provided for the interstate motor carriers transporting gasoline and diesel fuel to address potential increases in transportation and agricultural harvesting demands.

Current Regulatory Requirements

The regulations in 49 CFR 395.3 limit the hours of service a driver may operate a CMV transporting property in interstate commerce.

FMCSA's Determination and Regulatory Provisions Waived

Consistent with the statutory requirements for waivers, FMCSA determined that it is in the public interest to issue a waiver, limited in scope and circumstances, that is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver, until December 16, 2026.

To respond to global supply disruptions, anticipated increases in the demand for gasoline and diesel fuels in the late summer and fall, and to mitigate impacts on the costs and availability of fuel for transportation service providers, agricultural harvesting, and the traveling public as the demand increases, FMCSA waives the hours-of-service limitations in 49 CFR 395.3 for motor carriers and drivers transporting gasoline and diesel fuel.

Public Interest

FMCSA finds that granting this waiver is in the public interest to ensure the distribution and delivery of fuel for transportation service providers, agricultural harvesting, and the traveling public.

Safety Equivalence

Due to the limited scope of this waiver and the ample precautions that remain in place, FMCSA has determined that the waiver is likely to achieve a level of safety that is equivalent to the level of safety that would be obtained absent the waiver. The waiver of specific regulations should not be looked at in isolation but rather as part of the whole of all regulations governing the safety of drivers. Waiver determinations are made holistically, taking all relevant factors into account. *See International Bhd of Teamsters v. DOT*, 724 F.3d 206 (D.C. Cir. 2013). Drivers and motor carriers seeking to utilize the regulatory flexibility provided by this Waiver must comply with the Terms, Conditions, and Restrictions of this Waiver.

FMCSA believes that the measures listed below under Terms, Conditions, and Restrictions of the Waiver, taken collectively, provide the assurance needed to meet the legal standard that granting

the waiver is likely to achieve an equivalent level of safety. Therefore, FMCSA has determined that a waiver from 49 CFR 395.3 during the period of the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

Unique Circumstances

FMCSA finds that the circumstances surrounding this waiver are unique and the waiver essential to facilitate timely and efficient fuel movement and support fuel availability during the last portion of the summer and most of the fall given acute fuel supply issues.

Terms, Conditions, and Restrictions of the Waiver

This waiver covers motor carriers and drivers transporting gasoline and diesel fuel for the period beginning at 12:00 a.m. on September 16, 2026, through 11:59 p.m. on December 16, 2026. While operating under this waiver, motor carriers and drivers are subject to the following terms and conditions:

1. A driver must not drive more than 16 hours in any 24-hour period. This limit applies even if the driver is also operating under an exception in 49 CFR 395.1 or any other waiver, exemption, or declaration. The total driving time of any driver operating under this waiver must not exceed the 16-hour limit.
2. The driver must take a minimum of a 6 consecutive hour break in the sleeper berth in each 24-hour period. If there is no sleeper berth, the driver must take a minimum 8 consecutive hour off-duty break in each 24-hour period.
3. Drivers must maintain a valid commercial driver's license for the transportation being conducted with all necessary endorsements for the commercial motor vehicle being operated and not be subject to an out-of-service order, disqualification, or loss of driving privileges.
4. Drivers must keep a physical or digital copy of this waiver in their possession when operating under this waiver and present it to law enforcement upon request.
5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this waiver until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
6. Motor carriers with a conditional safety rating are not eligible for the relief granted by this waiver.
7. At any time, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted immediately to find a suitable, safe resting location and allowed at least 10 consecutive hours off duty before resuming driving.
8. The waiver applies while the driver returns empty to the motor carrier's terminal or the driver's normal work reporting location. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted immediately to

find a suitable, safe resting location and allowed at least 10 consecutive hours off duty before resuming driving.

9. When a driver is moving from operations under this waiver to normal operations, a 10 - hour break is required when the total time a driver is engaged in operations under this waiver, or in a combination of operations under this waiver and normal operations, equals or exceeds 14 hours.
10. Motor carriers and drivers must comply with all applicable Federal and State requirements.
11. Nothing in this waiver shall be construed as a waiver of or exemption from any other applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (49 CFR Parts 100-180); vehicle size and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR Part 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); any requirement of the U.S. Department of Agriculture; or any other regulations for which relief is not specifically granted herein.
12. Crash Notification. Each motor carrier must notify FMCSA within 2 business days of a crash, as defined in 49 CFR 390.5T, involving any driver operating under this waiver. Notification shall be by email to MCPSD@DOT.GOV. The notification must include the following information:
 - a. Date of the crash;
 - b. City or town, and State in which the accident occurred, or closest to the accident scene;
 - c. Driver's name and license number;
 - d. Vehicle number and State license number;
 - e. Number of individuals with injuries;
 - f. Number of fatalities;
 - g. The police-reported cause of the crash (if available at time of the report); and
 - h. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations.
 - i. The total on-duty time accumulated during the 7 consecutive days prior to the date of the accident and the total on-duty time and driving time in the work shift prior to the accident.
13. Each motor carrier operating under this waiver must collect and submit to FMCSA upon FMCSA's request information on the total number of drivers who operated under the waiver.
14. FMCSA reserves the right to revoke this waiver in its entirety or as to a specific motor carrier or motor carriers or driver if the waiver results in a lower level of safety than

was maintained before it was granted, or continuation of the waiver would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this waiver is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this waiver with respect to a driver or motor carrier operating under the waiver. States may also adopt the same waiver or policy with respect to operations in intrastate commerce.

Issued: September 16, 2026

A handwritten signature in blue ink, appearing to read "Derek D. Barrs", with a stylized flourish at the end.

Derek D. Barrs
Administrator