

Q and A

Frack sand trailers and the applicability of the “wait time” exception for drivers of specialized oilfield equipment in 49 CFR § 395.1(d)(2)

Q1: Are drivers of commercial motor vehicles transporting sand for fracking operations considered to be specialized oilfield equipment and eligible for relief pursuant to Title 49 Code of Federal Regulations (49 CFR) § 395.1(d)(2)) and the corresponding regulatory guidance Question 8?

A1: Recently, industry presented a compelling argument that sand vehicles used in fracking operations (frack sand trucks) should be considered specialized oilfield equipment because they fit the criteria in paragraph 1 of Regulatory Guidance Question 8, as follows: (1) specially constructed for use at oil and gas well sites, and (2) for which the operators require extensive training in the operation of the complex equipment, in addition to driving the vehicle.

Based on this information frack sand truck operators now are able to assess their equipment and driver training and determine whether they meet the criteria for specialized oilfield equipment in the regulatory guidance Question 8 to § 395.1. FMCSA will work on amending Regulatory Guidance Question 8 to reflect this decision.

Questions regarding this action should be directed to Paul Bomgardner, Chief of the Hazardous Materials Division at (202) 493-0027; or by email at paul.bomgardner@dot.gov.